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TRANSCRIPT OF GOVERNOR'S ADVISORY BLUE RIBBON PANEL

Phoenix, Arizona
February 25, 2004
11:10 a.m.

JERI F. BARBIN, RPR, CSR
Certified Court Reporter
Certificate No. 50693

PREPARED FOR:
Dennis Burke
(Original)

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1 REPORTER'S TRANSCRIPT OF PROCEEDINGS was
2 taken on February 25, 2004, commencing at 11:10 a.m. at
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3 the Arizona Correctional Facility, Aspen Unit, 24th
4 Street, Phoenix, Arizona before JERI F. BARBIN, a
5 Certified Court Reporter in the State of Arizona.

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8 PANEL MEMBERS:

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10 Dennis Burke, Co-Chair

11 Herb Guenther, Co-Chair

12 Roger Vanderpool

13 Leesa Morrison

14 Mike Branham

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Phoenix, Arizona
February 25, 2003

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MR. BURKE: First witness -- first employee.

JENNY NORTON

MS. NORTON: Would you like me to take a seat here?

MR. BURKE: No, I think you're fine right there. I'm sorry, one note for the Court Reporter. If you all could provide your names to her for the transcript, we don't need any additional information, but at least we want to be able to identify you for future reference.

MS. NORTON: Good morning, Honorable Director, who I had the privilege of meeting today, and distinguished panel. My name is Jenny Norton, and although I am not an employee of the Department of Corrections, I am a volunteer given the status since I have become a clergy professional of auxiliary chaplain.

Some of you know me because before I entered the ministry I served in elective office. I served shoulder-to-shoulder with now Director Guenther in the state legislature where both of us served on the Public Institutions Committee. I was vice-chair, and where we

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also served on the Joint Select Committee on Corrections.

The reason that I bring this is up is because
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4 as a former legislator I became very familiar with the
5 budget problems that are contained in -- from the voters
6 to the legislative mandate to give money not for
7 programs, not for debilitation, not for rehabilitation,
8 but to give money on the side of public safety in order
9 to ensure that we have the buildings, and the officers,
10 and the lock-down ability to keep our public safe while
11 our offenders are doing time.

12 Coincidentally, my father worked at Florence
13 as a teacher. He was a professor -- a dean, actually,
14 with the Community College System. When I was entering
15 the ministry he encouraged me, he urged me to do my
16 internship at the female prison where I still serve as a
17 volunteer. I stayed, not as an employee since I work
18 for the church, but I did stay as a volunteer working in
19 corrections with the female incarcerates.

20 What I found there is that the staff here has
21 a wonderful training program for the volunteers,
22 teaching them to be reserves. We are the reservists who
23 are to assist staff in areas where the legislature will
24 not fund, where we can bring programs, not only
25 religious, but other habilitating and rehabilitating

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1 programs.

2 My 12 years as a volunteer with the status of
3 auxiliary chaplain have been guided by absolutely

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1 female officers and the female C.O. 3's and C.O. 4's who
2 are actual officer counselors, work colleagues and
3 social colleagues.

4 I know that some of them are just barely
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5 making the line financially. And I refer back to the
6 time when I did serve as a state legislator. I saw the
7 appropriations events take place; although, I have never
8 had the privilege to sit on the appropriations
9 committee. And I saw that our other state officers, our
10 other state police, DPS, who I'm so proud that they are
11 serving our state and our nation, are making far more
12 money than our state officers here who are also state
13 police.

14 They are working sometimes eight hours a day,
15 sometimes sixteen hours a day, all of those hours taking
16 care of the public by managing and being with the
17 offenders who are inside these barbed wires.

18 I have in the past tried to partner up with
19 the Department of Corrections in helping to enhance
20 education ability for the officers. We have a program
21 with Central Office which has been subdued so much --
22 somewhat as a public partner -- public/private
23 partnership to help give scholarships to the officers.
24 I would be willing to enhance that, and I have asked
25 that that be enhanced under our new administration.

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1 I would also volunteer my services as someone
2 who has left public office, elective office, to lobby in
3 any way that is deemed appropriate that we can bring up
4 the salaries for the line officers here, bring up their

5 starting salary, bring up their finances for them to
6 have a little bit more extensive training, to help to
7 keep them in a high morale state as they keep our public
8 safe.

9 I am very grateful for this panel, and I am
10 so almost emotionally grateful for Director Schriro and
11 the wonderful job that she did out at the Lewis complex.
12 I will have a deep feeling in my heart forever that she
13 rescued not only the two hostages, but that she kept
14 alive the two perpetrators, and that she has worked now
15 to make sure that our entire state facilities are safe.

16 I'll now take any questions, and if you have
17 none I give you much gratitude.

18 MR. GUENTHER: When you're understaffed at
19 Perryville -- first of all, tell me about the morale out
20 there. How is the morale?

21 MS. NORTON: I have never been privileged to
22 work at Perryville, sir. I worked at the minimum --
23 served at the minimum security prison, Arizona Center
24 for Women, which was at 37th Street and Van Buren when
25 the facility became so old as to not be healthy for the

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1 inmates or for the staff. They did then move all the
2 women to Perryville.

3 I have since been reassigned to a small wing
4 in our mental health unit here called the George Ward
5 where I serve a small -- about ten women -- female

6 inmates there.

7 And so the question can still be applied
8 because there have been shortages of staff at ACW, and
9 there have been shortages of staff at the George Ward.
10 The morale is low.

11 When there is a shortage of staff at the
12 George Ward the females have to be locked down almost
13 for 24 hours a day. They are restricted to have meals
14 brought into them instead of being able to go to the
15 cafeteria, and they don't get to have their patio time
16 which is very frustrating for the female officers -- all
17 the officers on the George Ward are female -- because
18 the female officers are feeling punished not only by the
19 inmates, but by not getting the top down support of
20 finances to bring enough officers in.

21 MR. GUENTHER: I see. Well, it's certainly a
22 pleasure to see you again.

23 MS. NORTON: Thank you, sir.

24 MR. GUENTHER: And I'm very glad that you're
25 still working in the corrections field.

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1 MS. NORTON: Thank you.

2 MR. BURKE: Actually, I have one additional
3 question for you.

4 MS. NORTON: Okay.

5 MR. BURKE: You said at the George Ward

6 there's a locking of female inmates down because of lack
7 of staff. How often does that happen?

8 MS. NORTON: Probably once a week.

9 MR. BURKE: Once a week? And do you happen
10 to know how many inmates are at the George Ward?

11 MS. NORTON: Ten.

12 MR. BURKE: Ten? Do you happen to know what
13 level they are?

14 MS. NORTON: Sir, I am only a volunteer and
15 not privy to the institutional score, but I do know that
16 the mental health level is between three and five.

17 MR. BURKE: Thank you.

18 MS. NORTON: You're welcome, Mr. Burke.

19 MR. BURKE: That's all I have. Thank you
20 very much. I appreciate that.

21 ALAN GRIGGS

22 MR. GRIGGS: Ladies and gentlemen of the
23 board and audience, my name is Officer Alan Griggs, and
24 I work graves at the Barchey Unit at the Lewis Complex
25 located in Buckeye. I'm standing before this august

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1 body in the hope that my words and the words of my
2 fellow officers do not go unheeded.

3 After Officer Brent Lumley was killed, the
4 Department focused on the problems brought out in the
5 subsequent investigation. Unfortunately when the camera
6 lights were turned off, so were the efforts to correct

7 them.

8 Supervisors keep telling us about the good
9 old days when they worked without floor officers and
10 with poor lighting conditions. At one time old smoking
11 firefighters lambasted firefighters who insisted on
12 using breathing gear as sissys. Their old ways were
13 dangerous and outmoded, too.

14 We need floor officers in every dorm at all
15 times for our safety and the inmates. Therefore, it is
16 imperative that Arizona Department of Corrections
17 personnel receive an immediate and subsequent
18 substantial pay increase. The Department of Corrections
19 needs to be able to draw candidates from the same pool
20 other law enforcement agencies use.

21 The adage you get what you pay for holds just
22 as true when applied to corrections officers. I suggest
23 that the state legislature adopt a pay scale format
24 similar to the one that the military uses, in that
25 promotion means a pay raise always; that officers

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1 receive longevity pay increases. The Department wants,
2 needs and requires officers with 10, 15 and more years
3 of experience.

4 One way to ensure this is to have more pay
5 steps. D.O.C. is not the Army. Promote or get out.
6 Have steps in two-year increments up to 20 or 30 years

7 of service. Give officers an incentive to stay with the
8 Department. To say that we're understaffed is putting
9 it mildly.

10 Duty rosters, at least at Lewis no longer
11 include A- and B-level staffing slots simply because
12 we'll never have them filled.

13 The use of the terms A, B, C and D level
14 staffing has no real meaning. Units are required to
15 operate at C- or B-level, even if the staffing is at D.

16 D-level, as you may well know, means the
17 absolute minimum staffing necessary to operate a unit
18 under lock-down conditions. At my unit with D-level
19 staffing we have 30-plus inmates working in the kitchen
20 and approximately 70 inmates eating. This is not
21 operating at D-level. It's probably A-level. We have
22 no choice to do -- to do anything otherwise.

23 Back in the year 2000 we had 19 officers on
24 graveyard supervising 399 inmates. Early January it was
25 14 officers for 1,008 inmates. We have been boosted to

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1 17. Wow.

2 When a person promotes within D.O.C. they
3 usually take a pay cut at least in the beginning. Their
4 regular days off and shift can change without any notice
5 and is often as supervisors deem it necessary.

6 I know of one sergeant who had three RDO and
7 a shift change within a three-week period.

8 MR. BURKE: "RDO" is?

9 MR. GRIGGS: "Regular Day Off." Give them
10 stability prior to promoting to sergeant or lieutenant.
11 Make it mandatory they attend a four-week long peer lead
12 leadership course at the COTA Academy. Have a board of
13 captains write lesson plans for the sergeant's class and
14 a board of majors write lesson plans for the
15 lieutenants. This will not only ensure the new leaders
16 have the training necessary to assume their post, but it
17 will also ensure that supervisors have a hand in that
18 training.

19 Raise, do not maintain the status quo, nor
20 lower the standards for the entry into D.O.C. or for
21 graduation from the academy. The U.S. Army found out
22 more than 25 years ago that numbers alone is a mistake.
23 Don't follow that path.

24 Partway through the academy have the students
25 work a week under the guidance of an experienced

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1 officer. If necessary, create a field training officer
2 position to accomplish this, but train them first.

3 Bring back the title of Corrections Officer 1
4 for use at the academy and during the officer's
5 probationary period. Don't allow supervisors to post
6 C.O. 1's at posts of great responsibility, such as
7 tower, kitchen, or sally port. For before an officer

8 comes off probation have a peer review, make
9 recommendations to the supervisors whether to continue
10 on probation for another six months, or to bring them
11 off probation and let them be full status. The officers
12 work with them and will know their capabilities far
13 better than any supervisor. Get their input.

14 As far as safety on the job is concerned,
15 officers assigned to tower duty need to be provided
16 training specific to that duty post, such as rules of
17 engagement scenarios and experienced shooting from an
18 elevated platform. We don't do that now. Not only
19 should they be screened psychologically for suitability
20 there, but should have their shooting skills held to a
21 higher standard.

22 They should be given a tougher target and do
23 all their shooting from an elevated platform using the
24 standing position. Make the training realistic.

25 We need more and better cameras, more

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1 monitors, easier to operate camera controls and manuals
2 for the camera panel controls. Each control room should
3 have a set of small binoculars for looking down the runs
4 so you can zoom in on activity in the back of the runs,
5 or check out any other suspicious actions.

6 Give consideration to amending state and
7 federal laws dealing with privacy of inmates. At this
8 time we, as officers, are not allowed to be told if an

9 inmate is HIV positive or has hepatitis. This
10 information could possibly save an officer's life.
11 Inmates neither have privacy or have any expectation of
12 privacy while incarcerated, nor should they be able to
13 hide behind a privacy issue shield. Our lives are at
14 risk here.

15 In addition, all officers' stations should
16 have alcohol gel dispensers. They help cut down on
17 illnesses and the possibility of Hepatitis A, B or C
18 contamination. Hospitals swear by them, so should we.

19 MR. BURKE: I lost you on that. Alcohol gel
20 dispensers?

21 MR. GRIGGS: Yeah, alcohol gel. It's a hand
22 sanitizer.

23 MR. BURKE: Okay.

24 MR. GRIGGS: And you can get them in the bulk
25 bottles that go right into the soap dispensers that you

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1 have. Same dispenser.

2 Complex medical is another area of concern.
3 Like us, they need a pay raise, a higher standard for
4 hiring and more personnel. At times their lack of
5 urgency has slowed treatment considerably. I have
6 witnessed medical asking us if the situation was truly
7 an emergency before responding. They should respond
8 immediately when called upon, not second-guess by

9 telephone.

10 And classification -- I just threw this in --
11 the incident last week at Morey Unit where the officer
12 was injured, the inmate that did it, nineteen times he
13 has been charged with assault on staff. Nineteen is
14 what I was told. Yet he's back on a foreyard instead of
15 being at SMU. He was in SMU up until two months ago.
16 He should have stayed there. I mean, nineteen times
17 he's assaulted staff. No street charges that I'm aware
18 of.

19 MR. BURKE: No street charges?

20 MR. GRIGGS: Meaning criminal charges. None
21 that I'm aware of. And he's 26 years old. That's all I
22 have unless you have questions.

23 MR. BURKE: I have a few, officer. I have to
24 say I sat through about 20 hours of these hearings and
25 that's the best litany of recommendations that I've

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1 heard an officer present. That was very thorough.

2 MR. GRIGGS: Thank you.

3 MR. BURKE: And from the testimony received
4 from a lot of your colleagues you touched upon a lot of
5 areas they touched upon, but you laid it out in a very
6 helpful way to us.

7 Two areas I don't think I heard you touch
8 upon that your colleagues have touched upon, and I want
9 your thoughts on. One is the quality of radios for

10 officers.

11 MR. GRIGGS: It's a joke, sir. There are
12 huge areas within the unit where radio traffic is real
13 fun, especially in the kitchen area. It's very
14 difficult to be -- you have to have it relayed to you
15 from other -- from the tower or from the sally port.

16 MR. BURKE: What about battery life?

17 MR. GRIGGS: The batteries we've got are the
18 new ones that have no memory. They last a long time.
19 But the range on the radios is so short that the walls
20 in the buildings impede radio traffic.

21 MR. BURKE: Let me go back to that earlier
22 point you made. If you're posted in the kitchen,
23 because of the thickness of walls in the infrastructure,
24 the quality of the radios is impacted?

25 MR. GRIGGS: Oh, yes, sir. Because there's a

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1 lot of times where you try to get a hold of the kitchen
2 and either the tower or sally port has to relay because
3 they have a different line angle on the building and
4 they can usually get through.

5 MR. BURKE: Another area that I don't think
6 you touched upon, but a lot of your colleagues have, is
7 the effectiveness of the pepper spray.

8 MR. GRIGGS: LE-10 is very effective, believe
9 me.

10 MR. BURKE: LE-10 is --

11 MR. GRIGGS: Law Enforcement 10. That's the
12 brand name of the pepper spray. And it works. You can
13 clear out a room with a one-second burst.

14 MR. BURKE: What about in the yard, because
15 at the incident at Morey on January 18th it appears from
16 the factual circumstances that Inmate Coy was sprayed
17 but it did not have an impact on him.

18 MR. GRIGGS: Well, it could be the wind.
19 Obviously outdoors the weather can effect the
20 concentration of spray. Inside a room it's very
21 effective, believe me. You can run everybody out with
22 very little.

23 MR. BURKE: What about additional enforcement
24 tools for officers? I recall when we were at the Lewis
25 facility that I believe at least a few of your

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1 colleagues had mentioned maybe the use of devices such
2 as a tazer. Do you have any thoughts on that?

3 MR. GRIGGS: They would be great. We would
4 have to be trained up on them. It would be great to
5 have those belts to put on inmates when they're being
6 moved from one unit to another, especially when you're
7 taking them either to the Steiner Detention Unit or over
8 to the Bachman Detention unit.

9 They're usually in a highly agitated state
10 still because, you know, their confrontation has been

11 recent. And if you put a belt on them it helps with
12 control. Obviously we have them on belly jeans and leg
13 irons, but inmates can still do a lot of damage.

14 MR. BURKE: You noted that if it should be
15 easier to operate camera controls. What do you mean by
16 that?

17 MR. GRIGGS: In the towers, especially at
18 Barchey, the controls are -- you don't know what half
19 the controls are for on the panel for operating the
20 cameras. And I've never seen a manual. And obviously
21 there's somebody that knows how to operate it, but I've
22 never met him.

23 MR. BURKE: If you take over a camera control
24 your first day on the job and given a camera control,
25 who teaches you and how are you taught as to how to

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1 operate that?

2 MR. GRIGGS: So far I haven't been. There's
3 no training. Basically OJT for operating the controls.
4 You might watch one of the other officers in the past,
5 but now if you're not -- only officers assigned to the
6 tower can work there.

7 MR. BURKE: And your suggestion on the
8 four-week long COTA peer training, that's in addition to
9 the existing training that the officer --

10 MR. GRIGGS: Right. That would be for

11 supervisors. The Army has steps for training people.
12 They call it basic non-commissioned officer training,
13 advanced, and then you have the sergeant-majors academy
14 for officers. You have what they call Cass Q (phonetic)
15 which is command, control, and communication training
16 that they receive.

17 And a lot of officers when they make sergeant
18 or lieutenant they're re-inventing the wheel. Why can't
19 they receive some training before assuming the position,
20 because a lot of them, you know, they mean well but
21 they're re-inventing the wheel.

22 MR. BURKE: Okay. Thank you.

23 MR. GUENTHER: Officer Griggs, have you
24 worked in the kitchen unit?

25 MR. GRIGGS: I have worked in the kitchen in

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1 the past off and on. It just depends on who's assigned
2 there.

3 MR. GUENTHER: And you're working at Barclay
4 now?

5 MR. GRIGGS: Barchey.

6 MR. GUENTHER: Okay. How often do you shake
7 down your housing units?

8 MR. GRIGGS: Days and swings does the
9 shake-downs. On graveyards we're basically maintenance.
10 We make sure that they're still alive in the morning.
11 We don't do any searches at night, not of the inmates

12 within their housing unit, because you have 28 inmates
13 in the dorm, in each dorm run. And obviously that would
14 be disrupting of everything and everyone.

15 MR. GUENTHER: Okay. What about the yard?
16 How often do you shake down the yard?

17 MR. GRIGGS: The yard we shake down at least
18 once a month. We get metal detectors from the complex
19 and go over the yard looking for items. And
20 surprisingly you always find something, a construction
21 nail left over that you swear wasn't there before, but
22 you find it. A piece of metal here, a bit there.

23 But a lot of their weapons, we give them all
24 the tools they need. They don't need -- I mean, pieces
25 of oven rack. Several years ago a couple of oven racks

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1 disappeared. They found one or two pieces. Where the
2 rest of it went to, nobody knows. And from the
3 pictures, it looks like at least one or both of the
4 shanks that were made by Coy and his partner were from
5 oven racks.

6 MR. GUENTHER: Now, in your unit the oven
7 racks have been replaced; is that correct?

8 MR. GRIGGS: Correct, sir. That was -- that
9 took place almost four years ago. A good three or four
10 years ago that that took place. And we looked high and
11 low. And they made a good job of making them disappear.

12 MR. GUENTHER: How often do you recover
13 shanks?

14 MR. GRIGGS: Days and swings, quite
15 frequently. Again, on graveyards we don't do too much
16 in the way of searching the dorms. We pat down the
17 inmates coming and going to the kitchen, when they go to
18 work or return from work.

19 Inmates that go off site, we strip search
20 them when they come back. But other than that, we don't
21 tear apart anything. We search the common areas, the
22 bathroom areas, the showers and places like that. But
23 we don't go into their -- into their -- where their beds
24 and lockers are at.

25 MR. GUENTHER: And are the pat-downs

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1 effective, or do just they become a boring routine after
2 a while?

3 MR. GRIGGS: It's mixed. It's mixed. It
4 depends on who is doing it, what time of day, what hour
5 of the day. You know, at the beginning of the shift
6 everybody is eager, wide awake and all that. When 3:00
7 comes around the old "Z" monster starts jumping on your
8 back. Obviously things slow down a little bit, but we
9 try to maintain our diligence on it. But being human,
10 it goes in cycles.

11 MR. GUENTHER: Have you worked the tower?

12 MR. GRIGGS: Yes, sir.

13 MR. GUENTHER: And what do you think were the
14 major contributing factors to that hostage situation?

15 MR. GRIGGS: One was you had a very
16 inexperienced officer working the access panel. I can't
17 fault her, because I don't know where she was positioned
18 in the tower. But obviously he didn't do a face to I.D.
19 check.

20 Morey Unit, Buckley Unit and a couple of
21 others have a very high turnover rate. They have a very
22 high incident of officers being cross-leveled from other
23 units over there. So there's always new faces. And so
24 having a face to I.D. at a facility like that is
25 necessary.

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1 At my unit we have a real low turnover rate
2 on graveyards, and we've worked with each other for
3 several years so you -- you know, you can tell who it is
4 all the way across the yard just the way they walk. But
5 we still check them out, it's just that -- it's the
6 difference between knowing someone and not knowing
7 someone.

8 MR. GUENTHER: What's the visibility in the
9 tower like?

10 MR. GRIGGS: Excellent.

11 MR. GUENTHER: At night?

12 MR. GRIGGS: Oh, yes. The yard lights are

13 on. You can see quite clearly everything on the yard.
14 The only one suggestion I would make for the weapon is
15 have tritium sites on them.

16 MR. BURKE: Tritium?

17 MR. GRIGGS: The glow sites. Because with
18 the standard sight at nighttime it would be real
19 difficult to make an accurate shot at night. But if you
20 have the tritium, or one of the other types of sites,
21 electronic sites that glows, it would really be a help.

22 MR. GUENTHER: But your visibility right
23 around the base of the tower where you have your access,
24 where you have to do the I.D.'s, is that --

25 MR. GRIGGS: Oh, yes, sir, because you have a

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1 panel right beside the door. And so you can go right up
2 to the door, check the I.D., step off literally just one
3 or two paces and let them in.

4 Now, a lot has been said about the access,
5 the all access button in the tower. That's a design
6 flaw from the word go. The lower panel should -- it's
7 weird, because you have the all access button and the
8 door button side-by-side. I mean, whoopie. You turn
9 off the access button, well, you just push the button
10 right above it and the door opens.

11 Lower tower should not have the capability of
12 opening that door. That should be the responsibility of
13 the upper tower.

14 MR. GUENTHER: Originally it must have been
15 designed to staff, quote, the lower floor of the tower
16 and the second floor?

17 MR. GRIGGS: Correct, sir.

18 MR. GUENTHER: And because of staffing
19 results, in a lot of the units they have shut off the
20 lower panels and operate just the upper panels?

21 MR. GRIGGS: Actually both panels are in
22 use -- are active. It's just that you only have one
23 person in the tower. And at night it's not that much of
24 a deal. During the day shift they would have a second
25 officer in there, but at night we would only have one.

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1 And people being sloppy, you can push the
2 button up on the upper tower and allow a person to gain
3 entry, which is not a good thing.

4 MR. GUENTHER: So you're saying that, as I
5 understand -- if I understand you, what you're saying,
6 then, is you should not allow people access from the
7 second floor, you should do all I.D.'s from the first
8 floor?

9 MR. GRIGGS: All I.D.'s should be from the
10 ground floor, and access to the upper tower should be
11 restricted to the upper tower panel. Right now both
12 panels can open the door to the guns on the upper level.

13 And another thing that's kind of weird about

14 the tower is the stairs going up to the roof, they're
15 basically a fire escape, the kind that you fold down
16 into position. And it's meant as a temporary thing.
17 You drop it down, you get up on the roof basically as a
18 fire escape.

19 And you're walking on the membrane that keeps
20 the rain out of -- from leaking in. So it was kind
21 of -- it seemed like it was an afterthought of having an
22 officer go up on the roof to work up there.

23 And the windows that they had that would open
24 on the second level, they removed and you have
25 non-moveable windows now.

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1 Now, I saw a picture in Soldier Magazine,
2 it's an Army magazine, and they showed a picture from
3 the old Levinworth Penitentiary and they have windows
4 that hinge in the middle and they just tilt like this
5 (indicating) so you can just tilt the window open and
6 you can use your weapon, or speak out from the second
7 level.

8 But we need a permanent set of stairs for
9 going up to the roof. I mean, we've had one officer
10 injure herself coming down the fire escape ladder,
11 steps, whatever you want to call it, because there's --
12 it's -- like I say, it's meant for temporary use.

13 The dorms for Steiner, Barchey and Bachman, a
14 design flaw from our standpoint is the doors to each of

15 the runs, yes, we control opening the doors from the
16 control room. The inmate controls whether the door
17 closes. Because we don't have a floor officer, we can't
18 close the doors.

19 They're just ordinary doors like the ones
20 behind you. And we click the door open, the inmate
21 closes the door, or we have to call for an officer to
22 come over and close it. We need power slide doors to be
23 installed so that you control the opening and closing
24 from the control room.

25 And another design flaw, from my

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1 understanding originally the access door to the control
2 rooms in each of the dorms was supposed to have been in
3 the counselor corridor, so you would go through one
4 door, lock the door behind you, and then you would gain
5 access to the control room through a second door.

6 Now, the way it was built the control room
7 door access is from the horseshoe. So if there's
8 inmates in the horseshoe they would potentially have
9 access to the control room. Yes. And very much a
10 design flaw.

11 MS. MORRISON: Why do you think the turnover
12 rate at Morey was so high? Besides the pay.

13 MR. GRIGGS: I've heard supervisors.

14 MS. MORRISON: What about supervisors?

15 MR. GRIGGS: That the supervisors over there
16 were not of a caliber that people wanted to work for.
17 I've only been to Morey one or two times so I can't
18 speak, you know, too much on the quality of leadership
19 over there. It's all hearsay from my point on that.
20 But from what I've been hearing it's basically the
21 leadership.

22 MS. MORRISON: On January 18 there was a
23 point when an officer thought that the hostages were
24 part of an IMS. How, in your opinion, can that be
25 rectified; so if it were another real situation, another

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1 officer wouldn't think it's an IMS and go on?

2 MR. BURKE: A simulation?

3 MS. MORRISON: Simulation, yes.

4 MR. GRIGGS: Part of it was he thought it
5 was -- or the officer thought that it was -- that they
6 were horseplaying. Well, part of common sense, because
7 the tower doesn't have a handcuff key, there's no
8 handcuff key in the tower. So if they were playing
9 around with handcuffs, they're not going to get them
10 off. And so that should have -- common sense is the big
11 thing, because he should have realized that there's no
12 way they could have gotten the cuffs off, they weren't
13 horseplaying.

14 MS. MORRISON: The female officer has
15 testified that she felt that there was much complacency

16 amongst the officers. Do you have a comment on that?

17 MR. GRIGGS: Yeah, complacency is just part
18 of human nature, and that's where supervisors with
19 experience need to step in. Supervisors need to make
20 routine and more checks of the staff, and with the
21 experienced officers realizing that you got to keep
22 plugging away and doing things the correct and proper
23 way.

24 New officers, it can't happen to me, they get
25 that kind of feeling. And if you don't have supervisors

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1 that are doing supervising then, you know, people will
2 get lax. That's human nature to get lax, and you need
3 to have supervisors keep pushing them to keep that edge.

4 MS. MORRISON: Thank you.

5 MR. BRANHAM: Could you tell me a little bit
6 more about the personal protective equipment you're
7 issued? You mentioned the sanitation packs earlier.
8 What do you normally have available to you now?

9 MR. GRIGGS: We normally -- we have a
10 mouth-to-mouth shield, a pair of latex gloves, our
11 handcuffs, our pepper spray, a radio and a smile.

12 MR. BRANHAM: Is there something at each
13 location that allows you to get -- for instance, if you
14 get a blood born pathogen problem can you get something
15 fairly quickly within a couple of minutes?

16 MR. GRIGGS: Yes, sir. Each dorm has a blood
17 spill kit, and we have bigger ones at main control, so
18 you have -- you can do small ones from the control room
19 in each dorm. And if it's bigger you get it from main
20 control.

21 MR. BRANHAM: Is there room on most of your
22 duty belts to be able to carry some PPE's that would be
23 more beneficial for you?

24 MR. GRIGGS: For me, yes, sir. Some others,
25 probably not.

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1 MR. BRANHAM: Let me talk about your radios
2 for a minute. Do you guys ever have radios with the man
3 down devices, and if so, what do you think of those?

4 MR. GRIGGS: No, we do not have the man down
5 devices. We've asked about it, and we've suggested it.
6 They're looking into it.

7 MR. BURKE: How long have you been asking for
8 them?

9 MR. GRIGGS: Several years.

10 MR. BRANHAM: Okay. While we're on the
11 subject of things you've been asking for for a while,
12 what else along the personal protective equipment slash
13 man down kind of thing can you think of that you really
14 need?

15 MR. GRIGGS: The man down item, there's
16 several different models. Any one of them would be a

17 benefit. I've had -- I worked in one location where it
18 was right on the radio and you just push the button. On
19 other places it's a separate device that you put on your
20 belt so if you're horizontal it goes off.

21 It would be nice if you had a repeater
22 device -- I don't know the proper name for it -- but it
23 identifies what radio is keyed, and it's a simple
24 mechanism that can be installed in the main control
25 room. That way, if a radio is just keyed they can look

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1 and see, okay, that was radio such-and-such, and then
2 they know exactly who it was issued to and they can then
3 look to see if there's a problem. Because with Officer
4 Lumley all he could do was to scratch at his radio. And
5 it took them a while to identify who it was because they
6 had to do the staff accountability. So yes, something
7 like that would be of great benefit.

8 MR. BRANHAM: Does each shift -- while you're
9 on that subject -- do staff roll call by radio
10 occasionally during shift? My side of the house we call
11 it a Code 20 Report. You probably call it something
12 similar.

13 MR. GRIGGS: Yes, sir, we do it every hour --

14 MR. BRANHAM: Okay. Good.

15 MR. GRIGGS: -- at Barchey.

16 MR. BRANHAM: Is that pretty standard

17 practice throughout the agency?

18 MR. GRIGGS: Each unit is going to have
19 greater or lesser time spans.

20 MR. BRANHAM: Thank you, sir.

21 MR. GRIGGS: Thank you.

22 MR. BURKE: Thank you very much, Officer.

23 MARK GILGORE

24 MR. GILGORE: My name is Mark Gilgore and I
25 work at Alhambra here. I would like to thank you for

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1 having this panel because it's greatly needed.

2 I would like to start by saying, as the
3 officer before me mentioned, they need us 10, 15 years.
4 I'm one of those officers. I'm still here. I'm proud
5 of what I do. I like what I do.

6 The problems that we are facing now after the
7 situation are not new. They're just on a greater
8 magnitude because of the incident. The training issues,
9 the staffing issues, the retention issues, this is
10 nothing that's brand new. This is something that our
11 department has known about and has tried to fight for
12 and deal with for as long as I've been with the
13 Department.

14 The modifications that could help to assist
15 in keeping people here, one, everybody wants more money.
16 You know, everybody desires a higher income, or like
17 this officer mentioned, at least a possibility of

18 getting a higher income without promoting. Everybody
19 doesn't want to be a supervisor. And it shouldn't
20 require everybody to be a supervisor.

21 You know, I've been in the Department long
22 enough to where you see five or six years go, you don't
23 get a raise. Three or four years, you don't get a raise
24 at all. Nothing. And it's the budget. And it's time
25 now that with this incident, and with enough staff being

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1 concerned, and hopefully with this panel, we can get the
2 state to recognize that we have a need, and it has to be
3 addressed now before something worse happens.

4 Training has always been an issue within this
5 Department. Where we have great trainers here, we have
6 people with a lot of knowledge and a lot of ability, we
7 just don't have the money to let them do what they know
8 how to do.

9 We have a lot of good staff. We have a lot
10 of good officers and supervisors. They're just not
11 given the proper tools to do their jobs. The officers
12 are not given the proper training. We hire new
13 officers, we send them to the academy, we bring them in
14 and the training stops.

15 Supervisors are promoted. They're not given
16 the tools to be a good supervisor. They have the heart,
17 and they have the desire, and they have the knowledge,

18 but they're not given that extra benefit to prepare
19 themselves to supervise what they have to do.

20 When it comes to equipment, usually when we
21 get something new it's found that somebody else has had
22 it for years and it's already outdated. I was fortunate
23 at one time when they tried a test pilot -- or a test
24 program for the risk identifiers on the inmates, and
25 they also had the man down button on the officers.

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1 There were some flaws in that. And I'm speaking just
2 from what I had information on. I know there was a
3 money issue and there's all these other issues, but
4 there were some flaws, and hopefully the technology is
5 out there to where they've improved that. I know there
6 are systems that work. We've been testing man down
7 panic buttons since the mid '80s when I worked in
8 central unit.

9 MR. BRANHAM: What were the problems that
10 occurred during your field testing?

11 MR. GILGORE: Part of the field test -- this
12 was at the IMEX complex -- part of the problems were
13 location of the sensors, or their remotes, or repeaters
14 I guess is what you would call them, in conjunction with
15 our other security devices, trying to get the repeater
16 high enough to where the frequency would reach it.

17 We had instances where we would be looking at
18 the panel and we would have an inmate standing right

19 next to us, and it would show the inmate on the
20 perimeter and it would show the officer up front when
21 we're all right there together.

22 It was a -- I don't know how to say what the
23 problem was. It was a flaw in the system that hopefully
24 they could correct, or something has got to be out there
25 that they can have. But this is not new requests that

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1 we've had. The man down panic buttons we had in the
2 '80s in central unit, they were only given to
3 non-uniform staff. They worked fairly well. They
4 weren't consistent. And they would forget to put them
5 on, or forget to take them with them, or leave them
6 where they went, and we'd have to go look for them.

7 It falls back to training. And this is --
8 unfortunately, this is a very repetitious job. We have
9 to be repetitive in what we do. And the one thing to
10 maintain consistency throughout the state is through
11 consistent training. And the only way to have
12 consistent training is to have a budget to support that
13 training.

14 And every issue that we have right now is the
15 same issue we had in 1985, it's just at a higher
16 magnitude because now we have more inmates, we have more
17 staff members, and we have a larger need. And hopefully
18 this panel will be able to bring out the needs that the

19 other officers have talked about, and address them, and
20 hopefully we can get legislative support.

21 Another problem that I've noticed with the
22 Department is that -- although I don't work at Lewis I
23 know a lot of officers that do -- granted people are
24 going to talk about the situation of this magnitude, I
25 can't be specific because I don't know what is real and

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1 what isn't. But a big concern that a lot of staff told
2 me was the micro management, that there's a lot of micro
3 management throughout the Department. And I see that in
4 my job. You ask one person who can't make a decision
5 who has to ask another person who can't make a decision,
6 who has to ask another person who can't make a decision.

7 Now, do I know why that occurs? No, I do
8 not. I don't even want to speculate why that occurs. A
9 lot of it has to occur because resources are not
10 available to answer a problem, or fix a problem.

11 MR. BURKE: Give us an example of a decision
12 that now needs to be taken up several levels that you
13 think can be done -- that could be made at a lower
14 level. Give a little context for us.

15 MR. GILGORE: The most significant one I can
16 tell you is the incident at Alhambra with the door
17 locks. People made notice that the doors wouldn't lock
18 properly, and didn't lock properly. And it was kind of
19 passed on, and passed on, and never addressed. A lot of

20 people said it was money, some people just don't know
21 what the issue was.
22 Radios. You ask for radios. Now we issue
23 radios with rubber bands to hold the battery in. Please
24 don't misunderstand what I'm saying. I like my
25 department. I like what I do. I'm proud of what I do.

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1 And I'm not going to bash the media, but I am offended
2 when I'm called a guard. I'm an officer and I take much
3 pride in being an officer.

4 I would like to see this panel -- results of
5 this panel be increasing the budget for the Department
6 because that's the answer to everything.

7 Like the officer before me said, we need --
8 you want better retention, you have better trained
9 staff. That's what's going to make people stay. I've
10 stayed long enough because I was fortunate enough to
11 work with staff and to work with administrators who took
12 the time to spend with me, who took the time to make
13 sure I understand what I was doing. I don't see that
14 happening anymore. And I'm not sure if it's because
15 they don't feel they're paid to do that, or they don't
16 feel that's their job, you know.

17 We have a mentoring program. I think it's a
18 great idea this Department started a mentoring program.
19 It's only a year long. Where's the follow-up? Where

20 does it go from there? The mentoring program should be
21 at the lowest level possible. When an officer comes in
22 from the academy there should be a mentoring program.

23 Yes, we did institute an FT0 program. I
24 haven't seen or been a part of that so I can't see the
25 results of that because it hasn't been long enough. So

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1 to comment that it's good or bad, I don't know. I don't
2 know the decision process of how they selected people to
3 be in the FT0 program. I know there was one, and
4 hopefully that will make a difference. That's a step in
5 the right direction. But once again, do we have the
6 money to continue staffing so that that can happen?

7 My last note that I would like to say is that
8 the officers that do still work here, and the officers
9 at Lewis need to be commended on the way they responded.
10 They did what they had to do. They did it in a
11 professional manner. They supported each other, and
12 everyone around the state did as well.

13 It's still -- you know, I don't want to
14 Monday morning quarterback without information. I could
15 sit here and tell you my opinions of the Lewis incident
16 all day long, but without information I don't want to
17 criticize anyone or anything without knowing what I'm
18 criticizing. And there hasn't been enough information,
19 other than the people involved, in my opinion, to
20 criticize the incidents from outside. Any questions?

21 MR. BURKE: Does anybody have any questions?
22 MR. GUENTHER: How long have you been at
23 Alhambra?
24 MR. GILGORE: I've been at Alhambra for five
25 years, sir.

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1 MR. GUENTHER: Okay.
2 MR. GILGORE: I've worked every complex
3 except Lewis, Yuma and Apache.
4 MR. GUENTHER: Which one was the best
5 learning experience?
6 MR. GILGORE: Central Unit in Florence. They
7 taught you how to be a corrections officer, it taught
8 you how to manage inmates, it taught you how to be a
9 team player.
10 MR. GUENTHER: Do you feel that it's
11 beneficial for all new officers to do a stint at
12 Florence?
13 MR. GILGORE: Once again there's that
14 financial feasibility. You know, if I'm an officer
15 living in the West Valley and you tell me I have to go
16 to Central Unit, I'm going to look for another job.
17 It's just too far to drive.
18 But I would think -- I can't explain why
19 Central Unit has that ability to do that and no other
20 unit does. I can't explain that. I've worked in

21 Tucson, I've worked at Douglas, I've been to Winslow,
22 and I've been at Alhambra. I don't understand why the
23 comradery is not there that it is in Central Unit.
24 I worked in other units in Florence and it's
25 still not what it is in Central Unit. Whether it's the

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1 stigma of being the oldest active prison, or whatever,
2 there's just something about that place that's different
3 than anywhere else. And you see a comradery that you
4 don't see anywhere else.

5 MR. GUENTHER: I was thinking more along the
6 level of welcome to the real world, officer, this is
7 what it's all about.

8 MR. GILGORE: Sure.

9 MR. GUENTHER: So don't let your guard down
10 for a minute because this place can eat you alive.

11 MR. GILGORE: Well, that's true. The Central
12 Unit has changed since I've worked there, but I don't
13 think the mentality has or the teamwork.

14 When I did work there as an officer and then
15 later as a sergeant, the difference is you had every
16 custody level the prison had to offer in one place. You
17 dealt with everything. You dealt with inmate workers,
18 you dealt with death row, you dealt with protective
19 segregation, you dealt with protective segregation from
20 protective segregation, you dealt with the STG's --
21 which back then they didn't use that term -- but you

22 dealt with the gang members, you dealt with the mental
23 patients, you dealt with the people who -- the inmates
24 that have health issues. Every custody level possible
25 except females was in that unit.

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1 And you were forced to be able to adapt to
2 the situation that's necessary. And too often we train
3 staff to work in a particular unit a particular way, and
4 when they go somewhere else, well, they're experienced,
5 but we don't retrain them. Every situation in every
6 unit at every custody level is a little different, and
7 we don't teach staff to do that.

8 But to answer your question, sir, I wish
9 everybody could do a year in Central Unit first.

10 MR. BRANHAM: Just a quick question about the
11 doors you mentioned here at Alhambra. Did they get
12 fixed?

13 MR. GILGORE: Yes, sir. They did.

14 MR. BRANHAM: They're working right like
15 they're supposed to?

16 MR. GILGORE: To the best I know right now I
17 believe they are.

18 MR. BRANHAM: Thanks, Officer Gilgore.

19 MR. BURKE: Thank you, Officer.

20 MS. MORRISON: Thank you.

21 KELLY COVINGTON

22 MS. COVINGTON: My name is Kelly Covington.
23 I work at Alhambra Facility. I worked in Michigan for
24 almost nine and a half, ten years, and the training is
25 nothing like what I'm used to. I mean, it's a joke.

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1 I'm going to be very brief with some things
2 that some of the officers have given me to address to
3 you. The custody levels of the kitchen were too high at
4 Lewis facility. The kitchen officers control -- control
5 an area that is more than overpowering because of
6 improper staffing. The kitchen had no visible cameras
7 of the officers stationed, the kitchen control room site
8 is off limits, but those prisoners happened to get in
9 there.

10 The Department of Corrections is a revolving
11 door. We are constantly under pressure from the media
12 and other law enforcement agencies. Not out of
13 disrespect, but a very bad situation because of the
14 conditions that we have to face on a daily basis. And
15 it goes back to receiving our pay.

16 Half of the time we really do not know who
17 our partner is because of the revolving door system. So
18 if I go into work tonight a couple of weeks down the
19 road somebody else comes in, I don't even know who it
20 is, I'm just meeting them for the first time.

21 The officers leave due to low pay issues and
22 mandating. We really need bid positions on each job.

23 Some of these jobs they can have bid positions where the
24 officer is going to be there on a daily basis,
25 especially some of the housing units.

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1 MR. BURKE: Explain "bid." Did you say "bid
2 positions"?

3 MS. COVINGTON: Bid positions. Like somebody
4 that's going to be there everyday per shift.

5 Did you know that correction officers mostly
6 in the first year file bankruptcy because of pay? A
7 large part of correctional officers are receiving some
8 food stamps, too, and help from the community and social
9 services because of our pay.

10 For the most part, give them back -- give
11 them some housing breaks. Some of the state agencies
12 offer housing breaks, especially to teachers that live
13 near their schools. That is something that is possible
14 for these officers as well, to give them some kind of
15 pride. There is no pride. There's just shame and
16 embarrassment.

17 Our insurance has just went up and taken away
18 from the income that -- you give us an increase but yet
19 still you go into our pot and take something else away,
20 so our insurance goes up, we're supposed to have money
21 there, but it's not. So if you give us a raise and you
22 take from what we already have on the table, you haven't

23 given us anything.

24 If we work overtime, it is comp only. It

25 needs to be straight time. This is another way of

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1 controlling our salary, and it needs to stop. We need
2 to grow with our economy. There's a growing economy in
3 this area, in Phoenix, in Arizona, but we can't survive
4 because we don't even get an economy raise.

5 (Whereupon, Mr. Vanderpool entered the
6 hearing room.)

7 Officers need competitive salaries with the
8 growing economy. It is time we changed the way the
9 Department of Corrections does business starting with
10 the people. Make it a safe environment for us to work
11 in, make strong leadership, revamp our policies. Some
12 of the officers are more than qualified to do training
13 positions for six months to a year. That should count
14 for position vacancy and promotion.

15 Train porters for bio-hazard materials, not
16 officers. Officers should not be cleaning up urine and
17 feces. Make better communications with staff, some
18 cross-training. We have cross-training, but you need to
19 put the people in these positions that are qualified.

20 IMS drills are a joke, because if I'm on my
21 shift and you're running an IMS drill, I'm thinking is
22 this real, or is this just a drill? I need to know when
23 it is real. So I think training modules should teach me

24 about drilling, not when I'm on the shift.

25 Make towers that have options for the

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1 supervisors to get in. Tower entrances should not be
2 accessible from the ground level in an open yard of
3 prisoners. The supervisor should be in charge of
4 appointing staff for the towers. He should also be in
5 charge of assuring the entrance and our safety because,
6 again, that comes into play when there's a new officer.
7 Where do we put him. They've been here a couple of
8 weeks, let's just put him in the tower because nobody
9 wants to go there. If that was a bid position, officers
10 would bid for it, you would have the same people in
11 those towers.

12 We need a lock-down unit for detention
13 prisoners. Currently we have prisoners that are locked
14 down within a housing unit, and we have to check with
15 our staff; also, we have to check with the sergeant to
16 see who those prisoners are.

17 Give the uniform allowance in a lump sum.
18 Don't give us \$60 here, \$60 there, because you know we
19 know that we need uniforms. And half of the time our
20 salary is so low we need the gas money to get here.

21 We need a gym membership to build strong
22 leadership for ourselves and incentive, and I don't
23 think that's a bad thing. A better training module that

24 includes on-the-job training in steps.

25 Where I come from you are in training like on

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1 the compound, what they call in Tuscon, you go there,
2 you do your classroom work, and then you get a green
3 tag. You go to the prison for 30 days, then you come
4 back, you do more training. Then you go back to the
5 prison, then you get a red tag, then you graduate. And
6 then you're on your way to the prison. So you have --

7 MR. BURKE: What are green and red tags?

8 MS. COVINGTON: That is the steps --
9 necessary steps to becoming an officer. So the training
10 is far more longer. You get on-the-job experience. Not
11 like here, you know, you're handed a slip, another
12 officer, they make a check mark to all the things that
13 they've done with you. You're more of an overseer of
14 what they're doing. You need hands-on experience.

15 We are in a rush to the housing units. We
16 need to take our time to train, but that's not on us
17 because if we were properly trained in the first place
18 most of the officers would know what to do when they got
19 there. We wouldn't have to ask each other, well, what
20 should we do next.

21 In closing, I want to give you this statement
22 that I read out of the paper. Our director put a quote
23 in the paper about these pay raises of \$1,000. What is
24 that going to do for us? I mean, if we're at \$24,000

25 right now, that just makes it \$25,000, right? And then

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1 her statement, which was broad, it says -- I won't say
2 her name -- would use \$21 million in the current budget
3 for other band aids, recruiting and pay proposals. We
4 know what a band-aid theory is, it's for minor cuts or
5 scrapes. This is far bigger than that. And it's not a
6 band-aid, it's not going to go away. It's not just a
7 scrape to the surface.

8 I know that you need more housing for some of
9 these units, but it starts at the top first, and it
10 starts with us as officers. It's a trickling effect
11 downhill. If I don't have the proper stuff that I need,
12 my money, taking care of my family, which is most
13 important to me, that I feel confident about coming to
14 my job. I'm working in a unit where the ceiling, it
15 fell in. Some of the tiles just came in. And this
16 happened weeks ago. It's still like that. I can see
17 upstairs to the other ceiling.

18 I don't enjoy, and I don't think anybody
19 would, cleaning up nobody's urine and feces. That is --
20 I haven't had to do it yet, but I think I would throw
21 up. I mean, you know, you're giving us more degrading
22 tactics for us to have to carry on our back. Now you're
23 telling us to do that? We don't get enough money.

24 One of the other things was I would like for

25 the media to propose putting in the paper the bus --

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1 MR. BURKE: The bus?

2 MS. COVINGTON: The bus driver, and all the
3 other supervisor positions that pay money. Put that pay
4 scale in the paper and let people know we are at the
5 bottom. We are very low. Thank you.

6 MR. BURKE: Hold on, because we're
7 transcribing this. If you talk out from the back there
8 she can't follow you. There will be due time.

9 You said "IMS drills are a joke, I need to
10 know when they're real." You know when they're real,
11 then they're not drills.

12 MS. COVINGTON: Usually I call somebody on
13 the phone and say, "Is this a real drill or are we just
14 running just a fake drill?" Sometimes I do that.
15 Sometimes I know from being in roll call that this is
16 going to be -- we're going to have some training.

17 I don't think that it should be training on
18 my shift. Because if I come in and I'm not totally
19 informed and they're running a drill, I am calling
20 somebody and saying, "Is this real? Am I supposed to
21 go? What's going on?"

22 MR. BURKE: Doesn't that defeat the purpose
23 of a drill? If you can call up someone else and say,
24 "Is this real or not," and they tell you it's not real,
25 then you're obviously not practicing the drill?

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1 MS. COVINGTON: We should be practicing the
2 drill in the module for training, not on our shift when
3 we should be working and we're understaffed at a
4 D-level.

5 I mean, I work on graveyard shift. The only
6 people that you're going to get on graveyard to be in
7 response to that drill is probably about three, maximum
8 four. And that's it. So that leaves some of the
9 housing units open because you have one officer. And
10 that officer is in a control room box.

11 MS. MORRISON: What is your current title?

12 MS. COVINGTON: Correction officer.

13 MR. BURKE: And I'm sorry, you work at which
14 facility?

15 MS. COVINGTON: Alhambra.

16 MR. BURKE: Mr. Vanderpool, good morning.

17 MR. VANDERPOOL: Hello.

18 MR. BURKE: Thanks for joining us.

19 MR. VANDERPOOL: Sorry for being late.

20 MR. BURKE: That's okay. Thank you, Officer.

21 MS. COVINGTON: You're welcome.

22 MR. BURKE: I'm sorry, Officer. I see you
23 got up. We're going to take a five-minute break if
24 that's all right.

25 (Short recess.)

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1 MICHAEL DURAN

2 MR. BURKE: Officer, good morning.

3 MR. DURAN: Good afternoon. My name is
4 Special Officer Michael Duran. I'm from Phoenix
5 Alhambra. I'm in the armour. I want to thank the
6 committee for allowing me to speak without recourse or
7 retaliation.

8 I started my career in March of '95 in
9 Florence, Arizona. I started at Cell Block 6, the most
10 condemned row. I did a little stint in Central Unit
11 like my cohort, Mark Gilgore. I was pretty much raised
12 in the system. I'm probably going to reiterate a lot of
13 things that you probably already heard, but I think is
14 important.

15 I'll start to talk about Buckley at Lewis. I
16 remember when it first opened a lot of people were
17 talking, oh, I'm going down to Buckley Lewis, I'm going
18 to get that stipend, I'm going to get that raise. A
19 couple of months later I see them and they said "It's
20 the worst thing that's ever happened to me." You got
21 new officers trying to run a new prison, new supervisors
22 trying to run new officers, and it was a big cluster. I
23 knew it was doomed from the get-go, and it's pretty sad
24 that it had to come to this point.

25 But it didn't start there. In 1997 an

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1 officer named Brent Lumley was killed in the line of
2 duty at Perryville, and the Department had the
3 opportunity to do something then. But instead they
4 wanted to call us officers and make a big deal about
5 telling the press that we're officers, when they treated
6 us and paid us like guards. It's a real shame.

7 Because I know a lot of people, a lot of
8 officers that like their job like myself. I'm very
9 fortunate and very lucky. Like I said, I work at
10 Phoenix Alhambra. I know my warden can't pay me, it's
11 not up to her, but she compensates in other ways. I
12 have a family, I'm a single father, and she takes care
13 of that. When I need -- she does my hours as she can
14 and helps me out. And so in that case I go above and
15 beyond for her. And when she needs me to do something,
16 I do it. I find a way because she finds a way to assist
17 me.

18 I think money would help the other officers
19 to -- especially in training -- I'm kind of jumping
20 around here. I had a speech but I have to jump around
21 just slightly. A lot of things I understand that the
22 state doesn't want to hear, like money. They have
23 always had a problem with that. You have to start with
24 the ground up, and that's with hiring.

25 They lowered the standards of hiring, and it

1 shows. If you put the pay high up on the totem pole we
2 wouldn't lose good officers to other agencies that are
3 paying. And we're doing that. We're losing a lot of
4 good officers. A lot of them wanted to come back here
5 and talk and I said, "No, that's okay, I'll talk for
6 you." Like I say, I stay, I stick around and I do a
7 great job because I'm taken care of. I just wish other
8 officers would stick around and they were taken care of.

9 Other than that -- I'm at Phoenix Alhambra,
10 like I said. Two weeks before January 18th the armour
11 at Lewis came and visited me. He was a new armour
12 there, and I was training him. He took over the armory
13 there at Lewis. And he had some really sad stories to
14 tell me.

15 He was telling me about the new officers in
16 the towers, and how he went up there and they didn't
17 have the proper equipment, or they were utilizing it
18 incorrectly. They were hanging gas grenades by their
19 belts. They were not having the weapon loaded. And I
20 told him that he needed to nip that quick, he needed to
21 take care of that, and he needed to handle his business.

22 And I explained to him that everything that
23 needed to be done, if he needed me to go down and do a
24 little audit I'd help him out with that, too. January
25 18th occurred, and everything he had said came back to

1 me. New officers running a fairly new prison -- still a
2 new prison after five years.

3 I'm not sure what could have been done that
4 day. Like my cohort Mark Gilgore said, I don't like
5 Monday morning quarterback it. But I would tell you
6 what should have been done probably was have veteran
7 officers run a new facility, but compensate them for
8 running that facility. You have to dig deep in your
9 pockets and compensate the officers. Otherwise we're
10 just guards, and that's a shame.

11 I wanted to talk a little bit about the
12 tactical operations that went on there, but I don't know
13 a lot about it, just from what I've read, so I'm not
14 going to go into that because I don't have all the
15 information.

16 I would like to see a lot of the decisions
17 that come down from the executive level stay at the
18 warden's level, because each institution is different,
19 and they're run differently, and they have different
20 needs. The reactive prison system must be tossed out.
21 We must be proactive. We must think about these things
22 ahead of time. Like I said, it started in 1997, it
23 should have been dealt with then.

24 MR. BURKE: I lost you on the point you
25 made --

1 MR. DURAN: About 1997?

2 MR. BURKE: No, I got that point. The point
3 earlier where you said the executive level decisions --

4 MR. DURAN: A lot of decisions come down from
5 executive level, Central Office that either don't
6 pertain to us, or they do, or we already had it handled
7 but they want us to handle it now when we already have a
8 handle on it.

9 I'll give you an example. Pepper spray and
10 handcuffs. We were going to deal with it January 1st,
11 and I had it all settled to deal with it January 1st.
12 It came down at the executive level --

13 MR. BURKE: What do you mean "handle?"

14 MR. DURAN: Training on handcuffs. There was
15 a -- something that came about where the Peerless
16 handcuffs, they were found to be ineffective or
17 unoperative and we switched over to Smith and Wesson.
18 They were bolted directly.

19 We already had it planned that -- we just
20 happened to have our pepper spray dealt with at the same
21 time. It's got a four-year term on the pepper spray,
22 the year when it's manufactured. And so I had it all
23 settled to do it January 1st. It would have been all
24 done.

25 MR. BURKE: You mean like a shelf life of

1 four years?

2 MR. DURAN: Shelf life of four years. And
3 then I guess a decision came down it had to be done this
4 day, right now. And I wasn't prepared to do that. Just
5 given a little leeway it would have been done properly.
6 Now, we still have some that haven't been changed out
7 and what-not, you know. Some of these things have to
8 be -- you have to listen to the people that are actually
9 doing it. Just because an executive says it has to be
10 done now, they have to listen why it can't be done now.
11 They really have to listen.

12 I believe safety and security is a number one
13 priority. My partner, Mark Gilgore, was saying earlier
14 about the radios with rubber bands. I've seen that.
15 There was a time where directors and deputy directors
16 would walk around the yards, and the big thing was
17 cleanliness. "Oh, my God, if there's a cigarette butt
18 there the deputy warden would have it in for him." But
19 standing next to him was an officer with a duct-taped
20 radio. He didn't mention anything about that.

21 Priorities should always be safety and
22 security, number one. Like I said, I'm lucky, I've been
23 lucky, I'm lucky in the institution, the complex that
24 I'm at safety is always No. 1. If I have a safety issue
25 or I have something, that's dealt with. I just wish it

1 was dealt with around the state the same way.

2 I have a lot of things here, but I'm not
3 going -- I think I'll just stick with the facts here.

4 MR. BRANHAM: Talk to us a little bit about
5 tower training as it relates to firearms. Walk us
6 through that whole process, would you?

7 MR. DURAN: Tower training. The armour there
8 was also concerned about that because they do not fire
9 off of towers or elevated platforms. I guess they did
10 at one time. They had a platform and it broke, and I
11 guess they stopped doing it. I'm getting the word from
12 him, I don't know for a fact.

13 But it is a different type of shooting.
14 Elevated shooting is different and needs to be -- if
15 you're going to be in the tower, obviously that needs to
16 be trained on. That's a liability.

17 MR. BRANHAM: Kind of walk us through what
18 you do in your training. Do you have towers that are
19 similar to those?

20 MR. DURAN: We do not. We have a cat walk,
21 but it's elevated.

22 MR. BRANHAM: All right. When you train for
23 your firearms at your location, tell us sort of how you
24 walk through that whole process with somebody before
25 they actually do tower training.

1 MR. DURAN: We go out to a public range in
2 Rio Salado in Mesa and it's -- the rifle range, it's
3 elevated, it's not elevated to that point, but it's --
4 it's not as elevated as we should be practicing at, but
5 it's elevated. We should have a platform and we should
6 be training that way.

7 MR. BURNHAM: Do you do all your firearms
8 training at the same place for your facility?

9 MR. DURAN: We do. I'm not the senior
10 firearms. The senior firearms is -- I believe she's
11 looking for some place to do some more training. I have
12 ideas for -- we haven't gotten communication, but we
13 take our training kind of serious.

14 And talking about new officers, we have new
15 officers -- let me voice -- like I said, I'm jumping
16 around a little bit -- but I had someone say something
17 about IMS training. I've had new officers tell me, "Is
18 that a drill?" And I'll look at them and go, "Well, you
19 better hope so, otherwise you better get running." And
20 it's like treat it like it's not a drill. That's what
21 it's for. Someone was mentioning that. It should be --
22 that's why it's training and, you know, what if you
23 don't have enough people on staff, then guess what, you
24 just train. You train and show that you don't have
25 enough people on staff to do it. So that's what it's

1 all about. But always, always train. You practice like
2 you play.

3 I thought -- someone asked me to talk about
4 the tactical real quick. I will. I'm a little
5 disappointed -- like I said, I don't have all the
6 information that outside agencies were called to handle
7 the situation. I know at Phoenix Alhambra we have a
8 little above and beyond training when it comes to
9 tactics. We pay out of our pocket. A lot of us have
10 DPS SWAT school, Tempe SWAT school, federal agency
11 promote the sheriff's law enforcement SWAT school. We
12 got all the SWAT schools. So I guarantee you, we pay
13 out of our pocket for a lot of that. The reason we do
14 that is so we have the knowledge and are prepared to
15 handle the situation like what happened at Lewis.

16 It's a shame. We're a small complex here in
17 Phoenix. But I do believe we could have handled -- that
18 situation, you know, it was tricky. It was tricky. We
19 went over it and table-topped it. Like I said, we can
20 do that all day long. But we do have skilled officers,
21 and we have some that don't need to be here, I'll be
22 honest with you. And it's true.

23 You know, just recently we had an officer --
24 it was talked today, and people were happy, it sounds
25 crazy, but he didn't make his probation, and he was sent

1 on his way, and we were like that's great because he
2 didn't need to make his probation and the system worked.
3 The system worked, and we were happy to say that.

4 But it needs to be handled, like I said,
5 statewide. I'm very lucky where I'm at, but it needs to
6 be handled around the state the same way we handle it in
7 Phoenix. I do believe that.

8 If there's any other questions, I think I'm
9 done.

10 MR. GUENTHER: Officer Duran, how did you get
11 so lucky to be on crutches?

12 (Laughter)

13 MR. DURAN: I broke my toes. I was
14 lifting -- I was weightlifting and not paying attention.
15 I know, safety and security. I'm talking about safety
16 and security. And I wasn't paying attention and I had
17 the misfortune of some weights drop on my foot. It's a
18 learning process. Now I can tell other people not to do
19 that.

20 MR. BRANHAM: Did you get a new nickname out
21 of that whole deal?

22 MR. DURAN: No, I don't need any more
23 nicknames.

24 (Laughter)

25 MR. GUENTHER: As an armory officer you're in

1 charge of all the armour throughout --

2 MR. DURAN: I'm in charge of Phoenix. I deal
3 with Central Office from time to time. I also deal with
4 some parole guys that come in, and I deal with their
5 weapons as well.

6 MR. GUENTHER: And are you responsible for
7 training at those institutions, too, that you're
8 responsible --

9 MR. DURAN: I'm also firearms instructor.
10 But if someone needs extra training, which they do
11 sometimes. They'll come in and say, you know, "This
12 rifle is a little iffy, can you help me." I'll bring
13 them back in the armory and we'll take some plastic
14 bullets and we'll go over it. The loading, the
15 unloading, the safety of it. I want them to be secure,
16 I want them to be safe, and I want them to know how to
17 use it in case they need it, and the only way they can
18 do that is hands-on and actually doing it. And I
19 believe in that, and they should. I take the time for
20 that.

21 MR. GUENTHER: Did you ever participate in
22 training or a simulation where you had to take a tower
23 similar to the --

24 MR. DURAN: No. We had a hostage simulation
25 back in -- when I was at Cell Block 6, and it was -- it

1 went wrong. It went wrong. If I remember correctly it
2 went pretty bad. But it was a hostage situation that
3 happened at Cell Block 6 in the back, and they rushed
4 in, and it was some CIU was conducting it, and it didn't
5 go right.

6 But training, if we train on it and learn the
7 do's and don'ts it can work. We can do it.

8 MR. GUENTHER: You had a tower that was
9 pretty much designed not to be tactically, what would I
10 say -- not breached.

11 MR. DURAN: Anything can be breached. I'm
12 going to let you know right now. Anything can be
13 breached. It all depends on the knowledge and the
14 equipment that you have.

15 Quite frankly, I'm going to tell you, with
16 the guys I work with -- I don't know around the state --
17 but the guys I work with, you know what, we should be
18 the best trained, best equipped, and best paid in the
19 state, and we should be called out for anything that
20 goes on throughout the State of Arizona. I really
21 believe that, and I always have. Like I said, I work
22 with a top-notch bunch of guys and we're very close.
23 But anything can be breached, sir, I can tell you that
24 right now.

25 MR. GUENTHER: The question is, though,

1 can -- unless you practice a situation similar to what
2 we had at Morey Tower, you know, it seems like you --
3 again, you can breach it, yeah. I mean, you can blow it
4 up if you wanted to.

5 MR. DURAN: I think the problem is getting
6 there. It was approaching the tower.

7 MR. GUENTHER: Do you have any views on --

8 MR. DURAN: Do I have views? Table-topping
9 it all day long, you know, microwave it, see what -- see
10 where the hostage takers were with microwave. I guess
11 Feds have microwaves. We can't afford microwaves.
12 That's way too much.

13 See where they were, and timing. There were
14 several times, I'm sure, that that place could have been
15 breached, just we didn't have the knowledge, we didn't
16 have the knowledge of when. But it could have, just we
17 didn't have the capability or the knowledge, I'm sure.

18 There's a lot of things that could have,
19 would have, should have. I'm glad -- fairly glad of how
20 it happened and how it worked out. But if we can do
21 things different next time and better, I think we
22 should.

23 MR. BRANHAM: Officer Duran, will you use
24 this -- when all the information is out, will you use
25 this to train new officers?

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1 MR. DURAN: I would hope so. I'm not in
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2 charge of the training for our tactical team, but I'm
3 hoping that that will be something. I'm sure it will.
4 You know what, like I said, Phoenix is -- we're pretty
5 much proactive. Our warden has -- she unties us and
6 let's us pretty much run at the reins unless she's
7 pulled back by somewhere else, or by someone else. But
8 if it needs to get done and needs to be done, we get it
9 done. Absolutely. I wish the rest of the state would
10 do that.

11 MR. BRANHAM: Thanks.

12 CHUCK POOLE

13 MR. POOLE: My name is Chuck Poole, I'm the
14 education program supervisor here, and I wanted to speak
15 because I'm probably going to be one of the only program
16 individuals to do that. But the first thing I would
17 like to clarify to everybody here, and particularly the
18 panel, is that all staff, every single person that walks
19 into this institution, certainly the correctional
20 officers, certainly the medical staff, certainly the
21 program staff, the warden and all, everybody that walks
22 in here, we're outnumbered. We're outnumbered. We're
23 in possible danger of being taken hostage. Any number
24 of things, as Officer Duran said, there's more of them
25 than there are of us, and many of them have done some

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1 serious crimes and they're doing some serious time.

2 One of the things pointed out at Lewis was
3 there was one officer for seventeen inmates. There's
4 places in this facility and other facilities that if you
5 had one officer for seventeen inmates we'd be thrilled.
6 We would be excited that there was only seventeen
7 inmates that we had to control.

8 I do want to point out, too, that I do agree
9 with the new director that inmate programs and
10 opportunities need to be increased. Some people will
11 agree with that, some will not. But 95 percent of these
12 people get out, and there has to be some positive stuff
13 while they're incarcerated so they can learn to succeed
14 and learn to get out. And I believe such opportunities
15 would reduce some of the opportunities of some of the
16 incidents.

17 And as an outsider, a program person, not a
18 security person, again, I -- what happened at Lewis I do
19 believe to some extent was due in some respect to
20 inexperience, but there was also ineptitude on the part
21 of at least one of the officers, or two, and some of the
22 supervisors.

23 Because I really want you to understand that
24 I sincerely believe -- I can guarantee you that the
25 officers, as Officer Duran pointed out, that I work with

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1 here are pretty good. I absolutely do not believe that
2 if any of the officers, whether it be Gilgore, Duran,

3 Lee, or any of the other officers I work with, if they
4 walked by and saw the warden and I, or saw the
5 lieutenant and I, or saw the chaplain and I, or saw some
6 officer and I, or anyone of you and I handcuffed sitting
7 on the floor, I do not believe that they would think
8 that it was horseplay. I don't believe that. That is
9 very difficult for me to understand.

10 It is scary, as the first person said. He
11 talked about at Lewis they don't know how to control the
12 control room panel. There's no OJT. To me, as a staff
13 member that walks in and out of the facility, that's
14 scary to me. The most inexperienced staff is
15 controlling the most important area in the entire
16 facility and has had no training or OJT.

17 I do wish, and I doubt if many people will
18 say that, but I do wish to -- I guess the TV and paper
19 deserve some credit for not publishing the stuff that
20 inmates Wassenaar and Coy wanted to do, and all that
21 sort of stuff. And the reason that I will tell you that
22 is as a 25-year employee I believe that if he would have
23 got on the news everyday, that he would still be on the
24 news today, and he would still be going, and still be
25 going, because that's the way for him to make the news.

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1 I do also want to say I do not know the
2 mediators, I don't know who mediated, I don't know what

3 they said, how they said, and whatever, but I will tell
4 you again, as a long-time corrections employee that it
5 is -- that no staff member or no inmate was killed in
6 that situation is absolutely a phenomenal thing. Every
7 single staff member that I talked to in the Department
8 that's been here for any length of time believed that
9 somebody would have died in that. So it's just pretty
10 amazing.

11 You're talking about an inmate that was
12 40-years old -- near 40-years-old and had 30 years to
13 do, and has nothing to lose. Nothing. Except he has
14 lost, if you noticed in yesterday's paper, he has lost a
15 few privileges. Wow.

16 Last thing, and it's just a personal thing,
17 and part of it was pointed out, again some of the stuff
18 that may have happened at Lewis, but it's happening in
19 other places, is I am an absolute believer that any and
20 all executives, and administrators, including warden's
21 deputies, warden's associate deputies, wardens that work
22 in the Department of Corrections and the bigger
23 supervisors, should have not only correctional
24 experience, but also a real live education. And by that
25 I mean a minimum of a Bachelor's or a Master's Degree,

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1 or something like that. And that's not the case.
2 That's it.

3 MR. BURKE: Mr. Pooler, do you run the
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4 education program here?

5 MR. POOLE: Yes, sir.

6 MR. BURKE: So you have non-uniform employees
7 who report to you?

8 MR. POOLE: Absolutely. I have an individual
9 over in Alhambra that every inmate that comes in is
10 tested at an educational level. He's in a locked room
11 with 30 brand new inmates.

12 MR. BURKE: Your non-uniform employee is in a
13 room alone with 30 inmates?

14 MR. POOLE: Yes. Well, that's just one of
15 them. The other teachers, of course, are in other
16 classrooms with other individuals, yeah.

17 My testing individuals are over at Alhambra.
18 But please understand, on Dog Ward and on Easy Ward
19 there's sixty, eighty people and two officers, or --

20 MR. BURKE: I'm talking about a non-uniform
21 employee who I assume does not have pepper spray or a
22 radio, and is in a room with 30 inmates alone.

23 MR. POOLE: Well, they have a radio.

24 MR. BURKE: They have a radio?

25 MR. POOLE: Yeah. And depending on -- there

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1 were times when an individual was in there that was an
2 ex-officer and had some spray knowledge, and so they
3 were allowed to have that. Other times that is not the

4 case.

5 MR. BURKE: You're answering my question but
6 I can't get a sense of whether you have a problem with
7 that or not, having a --

8 MR. POOLE: No, I'm just telling you the
9 realities of being in prison.

10 MR. BURKE: Right. And I'm asking you, if
11 you have a problem with your non-uniform employee being
12 in a situation like that, safety-wise, with that many
13 inmates?

14 MR. POOLE: No, I'm just -- all I wanted to
15 let you know is that there's more than just correctional
16 officers in somewhat of a dangerous situation.

17 MR. BURKE: Sure.

18 MR. POOLE: There's other individuals. So
19 when you talk about pay, and when you talk about
20 whatever, the chaplain is in a chapel with 40, 50
21 individuals by himself with a radio; although, it's
22 probably laying here because he's doing some chaplain
23 stuff.

24 If you're talking about pay, and talking
25 about all this other stuff, I think you need to talk

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1 about everybody that walks in through the facility.

2 MR. BURKE: Thank you, sir.

3 MR. POOLE: Thank you.

4 OFFICER VALUOSO
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5 MS. VALUROS0: Good afternoon, I'm Officer
6 Valuroso. I also work at Alhambra. I have been working
7 in corrections for about nine years. I have been out
8 here for about three years. I worked at two different
9 institutions out here. I worked out at Perryville when
10 they still had the men, and at the Lumley unit, which
11 was a Level 5 unit while I was out there. I have been
12 at Alhambra for almost three years now.

13 Like everybody else, basically everything
14 boils down to the income. The money that the officers
15 are getting paid is not keeping the good officers there.
16 I enjoy what I do, I do have two degrees in law
17 enforcement. People ask me why am I here, it's because
18 I enjoy what I do.

19 I work with a lot of great people. I work
20 with a lot of new people right now that unfortunately
21 are not getting the training I believe they need. We
22 have an OJT program at every facility. It's forty
23 hours. They work ten-hour shifts four days their first
24 week on the job at that unit.

25 After that forty hours they're given two days

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1 off, they come right into their shift that following
2 Saturday not really knowing what to expect, other than
3 what they've either seen on TV, what they've learned in
4 COTA, and the stories they've heard from other officers.

5 I started working in corrections out in
6 California. Out there I worked in the accounting
7 facility. We were on -- we had had on-the-job training
8 out at the academy for one full year. We were with a
9 trainer for a full year. Again, you know, they had the
10 money out there to be able to do that. Here we don't.
11 Once we are off that on-the-job training with a trainer,
12 every single day that we were there, we still had six
13 more months of probationary time that we had to complete
14 prior to becoming a full-time correctional officer.

15 Out here, again, it's 40 hours. You work a
16 couple of hours on day shift, a couple of hours on swing
17 shift, and depending on what unit you're at, you work a
18 couple of hours on graveyard. That is not enough time
19 coming into a new unit, especially if you're a brand new
20 correction officer, you have no idea how to deal with
21 inmates other than what you were taught in the academy,
22 it's not enough time to know what you're doing once
23 you're out there on your own.

24 It's pretty sad when -- don't get me wrong, I
25 love our chaplain, our chaplain is great. I love the

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1 guys who come in and do our maintenance, they're the
2 ones that keep everything up and running as much as they
3 can. Maintenance and chaplains make more money than I
4 do as a correctional officer. We have a gentleman
5 that's been doing maintenance for Alhambra for, I would

6 say maybe two years. I've been doing this for nine
7 years. That man makes more money than I do.

8 I am a single mom. I have no family out here
9 but my child --

10 MR. BURKE: What are the duties of that
11 maintenance individual?

12 MS. VALUROS0: He fixes light bulbs.
13 Actually, he doesn't really do it. The inmate does it.
14 He walks around with the inmates making sure that the
15 inmates are doing their job as far as fixing the doors,
16 fixing the lights, fixing -- putting bunks into the
17 cells that need more bunks.

18 I mean, just recently at Alhambra most of the
19 rooms are equipped with bunks, and we don't have enough,
20 sleeping on the floor. The maintenance guys, their job
21 is to stand by and watch and make sure these guys are
22 doing their job right. They get more money than we do.

23 Then we go to equipment. You know. You got
24 power drills, you know, you've got a power saw that with
25 the last budget, from what I understand a couple of

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1 years ago, that's how Alhambra got that. Well, as you
2 can see, I'm not a very big person. I'm 110, 123 when
3 I'm soaking wet probably in full uniform. There's not
4 one vest at that unit, not one that fits me.

5 If I have to go onto Baker Floor, which we've

6 got death row inmates over there, our mental health
7 inmates are over there, I'm told I have to wear a vest.
8 Well, that's great. But the reality is I put that vest
9 on and it's actually more harmful to me. Okay.

10 We get power saws and all this other stuff
11 for maintenance, but then you come in and I'm working
12 there 40 hours a week plus, with equipment that doesn't
13 even fit me. It's actually more harmful to me than it
14 is helpful.

15 MR. BURKE: Because it cuts down on your
16 mobility?

17 MS. VALUROS0: Absolutely. The protection
18 that those vests -- generally on people that they fit
19 protect, you know, from the neck to the waist. I put
20 the vest on, it protects my belly button to my knees.
21 All my vital organs, that's it. I'm done for if
22 somebody wants to.

23 The stipends. You got stipends out at Lewis.
24 Again, it's a brand new facility. You got officers that
25 are thinking I'm getting five grand to go work out

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1 there. It's out of my way, but you know what, I only
2 have to be there for two years. So those guys aren't
3 staffed real well as far as the knowledge they need to
4 be there with those inmates.

5 You have kitchen workers -- you have your
6 kitchen officer, you had two inmates out there that had

7 absolutely nothing to lose. Why are they working in
8 those kitchens? You got the new officers out there
9 working with these guys who have absolutely nothing to
10 lose, and who's to say those officers even knew that?

11 They're -- depending on who is looking at it,
12 the public, they're considered trustees. I'm sorry,
13 they're an inmate. They've committed felonies. The
14 word "trust" does not belong in there anywhere, no
15 matter where you look at it.

16 You've got -- unfortunately with those
17 stipends you're going to have all kinds of people
18 wanting to come in. I got five grand, I got loans I
19 have to pay off, I got student loans I have to pay off,
20 I've got this, I've got that, so that's where I'm going
21 to go. They need to go to places like Central Unit. I
22 never worked at Central Unit. The worst place I ever
23 worked at was California in the county facility that I
24 was at.

25 I don't understand why a lot of times we are

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1 considered guards. No, we're not pulling them right in
2 off the street. Nine times out of ten, you know, all
3 the guys that are coming in from county, if they were
4 high, if they were drunk, they've already gone through
5 those withdrawals. However, county, you got people who
6 aren't even convicted yet there. You've got people who

7 don't even have convictions there yet. Some of them are
8 found innocent when they go to trial.

9 We've got felonies that are coming into our
10 facilities. These people have committed crimes, they're
11 felonies, granted they might be clean by the time they
12 come into us, we got these guys for life some of them.
13 Some of them, you know, they might be on death row.
14 They come in, they go. But yet we're looked at as
15 guards, according to the media, instead of officers.

16 We're dealing with these guys every single
17 day. I wake up in the morning, I come to work, I am
18 living with these guys for 40 hours plus a week. The
19 majority of -- and half of my time, if you look at it,
20 I'm doing time with these guys. The guys on the
21 streets, they have them for how long? Maybe an hour at
22 a time, two, three hours until they get them to county
23 where they get to book them in. County deals with them
24 up until whenever their trials are done, and then we get
25 them.

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1 We live with these guys every single day.
2 But we're not compensated for that. None of us are.
3 Whether it be at Alhambra or at the Intake Center, or at
4 Lewis where these guys are there for 35 plus years. You
5 got brand new officers who have no experience other than
6 TV, other than what they hear in training at COTA,
7 dealing with those guys.

8 Weapons training. Like Officer Duran said,
9 you go to the academy, you're firing at the same levels
10 as everybody else.

11 Then you got policy. Well, if you're up on
12 the catwalk or you're up in the tower and you got to
13 fire down there, go ahead. We're not trained to fire,
14 to shoot from an elevated level. We're not trained to
15 shoot at moving objects. So unfortunately those people
16 who are in those positions, they're stuck with, "Okay,
17 do I shoot and fire if I have to? Well, if I do am I
18 going to get fired because I followed policy that really
19 doesn't cover me anyways because I'm not trained to
20 shoot from an elevated level?" Yet people are asking
21 themselves that instead of like an officer out in the
22 street that's trained to do those kinds of things,
23 taking that split second to go ahead and make a
24 decision.

25 I can't say what the officers did right or

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1 wrong at Lewis. I don't even want to begin to make an
2 attempt at what they did right or wrong. But again,
3 just like everybody else says, it goes back to the
4 budget. If we have the budget to put those people in
5 training positions for at least a year at a time with
6 people who are being paid to do the training, we would
7 have had people up there who knew what they were doing,

8 who knew this is what I have to do before I let these
9 guys in.

10 We got a raise about a year or so ago. With
11 that raise our benefits went up. I got a raise, but
12 because my benefits went up I am bringing home less
13 money now than I was before I got that raise because of
14 my benefits.

15 I am paying \$127 approximately a month for
16 myself and one child. That money -- I'm not sure where
17 exactly I got it from, how I'm making ends meet by
18 myself. I got day care I got to pay for, which
19 fortunately for me I got friends that are helping me out
20 because I can't afford it because I need health
21 insurance. I have a sickly child that I have to deal
22 with that if I don't have those medical benefits, I'm
23 kind of stuck.

24 We talk about getting a \$1,000 raise. Does
25 that mean our insurance is going up? Fortunately for me

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1 at this point I'm not one of those who has to depend on
2 state funds as far as welfare, food stamps, and what-not
3 to help get me through.

4 We've got county, another -- I'm sorry I'm
5 bouncing around -- you got county just on the news a
6 couple of weeks ago. They got those face scanners that
7 it makes -- they take pictures of the faces, or whatever
8 they do. This is county. Okay. Why can't we have that

9 for state employees? Why is there not a budget for
10 that. The county can do it, where are they getting the
11 money from? It's got to be coming from somewhere.

12 I work -- since last August at Alhambra 90
13 percent of the time that I'm at work I am posted in the
14 main control, per my request, because it's a difficult
15 post to work at. Now, per policy, that's supposed to be
16 a two-man post. A two-man post. I work in there by
17 myself everyday. Why? Because we don't have the funds
18 to keep people on, so we make above D-level to have
19 those two people in that post.

20 In that post I am in charge of 400 key sets
21 that I have to give out on a daily basis. I am in
22 charge of also watching 12 different monitors. I am in
23 charge of making sure the I.D.'s are verified coming in
24 and out of there. I'm in charge of keeping a running
25 journal of everything that's happening on the

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1 institution, the inmates that are going to chow, the
2 inmates that are going to recreation, the warden coming
3 in, the deputy warden coming in, the end-rod (phonetic)
4 coming in.

5 MR. BURKE: The who?

6 MS. VALUROS0: I am in charge of the weapons
7 that are going up to our catwalk. I have to make sure,
8 granted there's only a couple of weapons that are in

9 that control room. And then if an IMS happens, guess
10 what, it's my job as a recorder to make sure I get all
11 that information written down in my journal. I'm
12 supposed to make sure it goes back to the commanding
13 officer and repeat it. I've got to do all that by
14 myself.

15 Fortunately for me somehow I multi-task and I
16 seem -- I'm able to manage it pretty well. We should
17 have two people in there. Yesterday I had somebody in
18 there that was on light duty, not supposed to be doing
19 anything. Again, per policy, you're not supposed to be
20 doing anything except sit there and look pretty. Not on
21 light duty yesterday. We had an IMS going. I had keys
22 I was giving out, doors I was opening. You don't go
23 through my doors unless I open them. To get in and out
24 of that institution you have to go through me first.

25 Now imagine, middle of the day, I've got

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1 medical staff coming in, I've got counselors coming in,
2 I've got swing shift coming in, I'm taking their I.D.'s,
3 making sure I have the proper key sets, making sure
4 they've got the right clothing on to even come into the
5 facility before I let them in there, making sure the
6 lobby officer had the opportunity to go through those
7 belongings that come in there, and I'm keeping track of
8 my IMS. It was a mess. It was a mess.

9 I'm not too old, but by next year if this

10 kind of stuff keeps up, I'm going to have gray hair. I
11 don't mind but, you know, the budget, if we have the
12 budget, if we had the money, we would be able to keep
13 those two people in there.

14 MR. GUENTHER: What size vest do you need?

15 MS. VALUROS0: One that fits.

16 MR. GUENTHER: Yeah.

17 MS. VALUROS0: I have no idea. We have --
18 the smallest vest we have, I believe, is a small. It's
19 still too big for me.

20 MR. BRANHAM: When you talk about vests, you
21 might want to help clarify that. Is it a regular
22 police-type ballistic vest, or one of the ones that was
23 made for the Department of Corrections?

24 MS. VALUROS0: It's a stab vest.

25 MR. GUENTHER: But, I mean, if they -- what

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1 size -- let's talk to Duran. Officer Duran, do you
2 handle those vests?

3 MR. DURAN: We get a measure on them. For
4 ballistic vests we take them down to the shop and get
5 them measured. For the stab vests they come in like
6 small, medium, large.

7 MR. BRANHAM: And really big.

8 MR. DURAN: Yeah, really big. Special order
9 them, that's all I can say.

10 MR. GUENTHER: We'll see if we can't get you
11 something that fits on your body.

12 MS. VALUROS0: I'm jumping around again, we
13 had another officer that was talking about bodily fluids
14 that we are made to cleanup. Okay. Per policy, medical
15 is not supposed to tell us what these inmates have or
16 don't have. Per policy we're supposed to treat them
17 like they have everything under the sun, but yet we are
18 required to clean it. Why is that? We're not paid,
19 again, the money to do that. We don't have the training
20 behind what needs to be done as far as cleaning things
21 up.

22 Do we have bio-hazard spill kits in each
23 control room? Yes. How often are they checked? To be
24 honest with you, I can't tell you. We have red tags on
25 every spill kit. The red tag in my main control on my

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1 bio-hazard kit has been there for at least three months.
2 I don't know how good those things -- how long each of
3 those items in there are good for. I have no idea.

4 But again, if we have the budget, if we have
5 the funds, we can maybe have the training in order to
6 deal with that kind of stuff.

7 MR. GUENTHER: We are going to work on that.
8 We've had a lot of testimony on bio-hazards also, and
9 having to work around them, and clean that up. So
10 that's a very good point.

11 And Officer Duran is going to see that you
12 get a vest that fits you.

13 MR. DURAN: I will.

14 MS. MORRISON: Can you clarify something for
15 me? We heard about people that man the tower have to be
16 AR15 trained. If you are on your catwalk do you have to
17 be AR15?

18 MS. VALUROS0: Absolutely.

19 MS. MORRISON: So when you're AR15 trained
20 then you're not trained to shoot at moving targets?

21 MS. VALUROS0: No, ma'am.

22 MR. DURAN: No, we are.

23 MS. VALUROS0: If you're on a tactical unit,
24 yes, we are. I am one of those that is on the tactical
25 unit. However, at Alhambra -- well, anybody that goes

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1 through COTA doesn't even go through an AR15 course. So
2 as soon as we have the new people coming to COTA to
3 Alhambra, we can't send them up there anyways because we
4 have to wait until we send them to the range so they can
5 get qualified. And those people, unless you're on a
6 tactical unit, you are not trained to shoot at a moving
7 object, nor are you trained to shoot from the elevated
8 level that our catwalk is. At our unit the only Code
9 20's that we do is a 30-minute Code 20 on our tower
10 officer, and that's just been recently.

11 MR. BRANHAM: Back to the training for just a
12 second. Probably Duran might help you with this. But
13 does anybody make a FAT system for detention or prison
14 settings?

15 MR. DURAN: They had one at COTA for a while
16 and they're floating around. I'm not sure what happened
17 to it. We had one floating around. I think it's when
18 we used to share it with Carlotta (phonetic) -- not
19 Carlotta, we used to share it with Aleeta (phonetic.) I
20 think it was there, but that kind of --

21 MR. BRANHAM: Was it geared specifically for
22 your kinds of settings so that you had an elevated
23 scenario with your officer or anything?

24 MR. GUENTHER: What kind of a system?

25 MR. BRANHAM: I'm sorry, a FAT system. It's

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1 all electronic firearms. They have electronic firearms
2 and they actually put them through a scenario. It's
3 very real. In fact, you find yourself getting into it.
4 And it would be designed on the street. We use them all
5 the time in street settings, but I've never seen one
6 designed for a prison setting.

7 MR. DURAN: I don't think I have, either.

8 MR. VANDERPOOL: The new models, you can take
9 your own -- type your own scenario in and make that --

10 MR. BRANHAM: That might be another one of
11 those things to look at. What it would do is it goes

12 back to this idea whether or not you get a chance to
13 shoot at moving targets, and get used to having to deal
14 with something other than a static target that we deal
15 with on the range.

16 MR. BURKE: This stipend that was provided
17 for officers who would transfer to the Lewis facility,
18 you seemed to indicate that ended up attracting officers
19 who were ill-prepared or --

20 MS. VALUROS0: Absolutely. When you're in
21 COTA they tell you, well, if you to go Lewis we'll give
22 you \$5,000. And the reason, from my understanding, I
23 don't know the actual behind that, is the reason that
24 stipend was being offered; one, is because of the travel
25 distance. So I suppose it's for gas mileage or

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1 what-not.

2 Two, also to help facilitate that unit with
3 more officers, because a lot of people that have been
4 doing this for a while that live within a certain, you
5 know, distance from their units that they're at, like
6 myself, for instance, I wouldn't go to Lewis.

7 MR. BURKE: Were you --

8 MS. VALUROS0: It's too far away.

9 MR. BURKE: Right. If you were in COTA and
10 they were offering you the stipend so they could attract
11 officers to go to Lewis, you have years of experience,

12 you were offered the stipend?

13 MS. VALUROS0: When I first went through COTA
14 I was told that there was a stipend for Winslow, for
15 Yuma, and Florence when I first started COTA in '99,
16 when I came from California to here.

17 I left for a while, I came -- I was
18 reinstating back to the Department, and at that point
19 they told me, no, we don't really have any openings at
20 Phoenix, but we've got a \$5,000 stipend if you want to
21 go Lewis. I turned it down. Five thousand dollars to
22 me was not worth the drive going out there everyday for
23 two years.

24 MR. BURKE: But the Department was offering
25 it to, for lack of a better word, non-rookies?

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1 MS. VALUROS0: Yes. And still is. I had a
2 friend that just graduated about a month ago and she was
3 also offered the stipend to go to Lewis. No experience
4 whatsoever with inmates at all.

5 MR. GUENTHER: Thank you very much.

6 MR. BURKE: Thank you, Officer. Very
7 helpful.

8 OFFICER HOLLAND

9 MR. HOLLAND: Good afternoon. My name is
10 Officer Holland. I also work at Alhambra. I just
11 wanted to reiterate something that Officer Valuroso
12 said, and that was I work main control also, so I know

13 how she feels. You have five things going on at once.
14 You're trying to get keys, you're trying to get people
15 out, you got an IMS going, people are getting impatient,
16 and sometimes you do need -- you need another officer up
17 there.

18 My main concern is it's kind of in a general
19 thing, but I noticed that some of the equipment that we
20 have, it's like dated back to the 1970's. I'm looking
21 at black and white monitors. And I notice that when you
22 have an inmate or a C.O. approach and you're looking in
23 a monitor and you're trying to figure out, is he wearing
24 orange, is that a C.O., is that an inmate. I can't
25 tell. You got to sit there and really, really look, and

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1 then push the button because you're not sure who it is.
2 Personally I know in our chow hall our
3 cameras are terrible. If I'm sitting in main control
4 and I'm looking at the chow hall camera, I got two
5 cameras pointed. I can't see the serving line, so if
6 one of my officers steps over to the serving line and
7 four inmates grab him, I'll never know they even got
8 him. Plus on top of that, the quality of the camera is
9 so grainy and terrible that if I do get a -- when we
10 record the video, you can't see who it is. You got to
11 stop and look at it and everything.

12 As a matter of fact, to tell you the truth,

13 we had a fight in the chow hall about a year ago. We
14 had it taped. It took four or five people to look at
15 the video over, and over, and over, and over to identify
16 the three to four people that started it, because the
17 quality of the tape and the quality of the camera was no
18 good at all.

19 I do agree with -- like I said, we have -- I
20 work swing shift. To tell you the truth, I have only
21 been there two and a half years, and I'm not saying I
22 know it all, because I don't. I learn something new
23 every day, and that's the way I want to keep it. Learn
24 something everyday, because as soon as I feel like I
25 know everything, it's time for me to go because that's

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1 when I'm going to get hurt.

2 But my main concern is our average shift, we
3 have maybe 20, 22 people that are on original probation,
4 and it constantly rotates. Either they come in and they
5 go to day shift so we get somebody new. And then, like
6 Officer Cummings said, you never know who you're going
7 to work with the next day. You come in, here comes a
8 new face.

9 I went on vacation for a week, then I got
10 hurt, so I was away from the prison, and then I went to
11 firearms training, I come back, there's five new faces.
12 I'm going who is that? Who is that? I don't even know
13 who these officers are. So I have no idea how they're

14 going to be, or anything like that. It's just -- it's
15 like a revolving door. The next day it's somebody new,
16 and that concerns me, because I know that they got the
17 same training I got. Here's your 40 hours, take your
18 day off, here you go, here's your key and radio, go on
19 the dog ward, have a good day. And that's -- when I
20 first got here, I was like, "This is it? This is all I
21 get?" You're standing there and things are coming at
22 you, inmates are asking you questions, you don't know
23 how to answer them, and you have to just sit there and
24 build up your confidence level.

25 Another thing, too, it comes down to money.

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1 You will keep a lot of officers if you pay them extra.
2 And I know for a fact that a lot of officers have two
3 jobs. I had a second job. I got out of COTA, I got
4 here, three months later I had a second job for almost a
5 year, almost fourteen months.

6 I would get off of swing shift, go to my job
7 on Friday, Saturday and Sunday from 10:00 a.m. to 6:00
8 in the morning and come back to work, work the prison,
9 and do that for three days straight. It wasn't fun, but
10 I had to do it to supplement my income. I've got two
11 kids at home. I got four children total. I got to pay
12 for all these things.

13 And when I got here it's like, "Oh, come to

14 D.O.C. It's a great job." Let me tell you something,
15 you should have heard the class the first time we got
16 our paychecks at COTA. Everybody was like, "That's it?
17 Oh, my God, what am I doing here?" Everybody wanted to
18 get up and leave. But you know what, I'll stick with
19 it. You know. But that's really all I have.

20 MR. BURKE: Any questions?

21 MR. GUENTHER: Did you -- have you ever
22 worked a tower situation?

23 MR. HOLLAND: I work a catwalk. There's a
24 catwalk. And you don't -- let me say something else. I
25 just became a new firearms instructor. I had my

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1 first -- I took some people out from our unit to shoot
2 and from what I can see is that we don't have enough
3 training. I mean, I'm on TSU so we have to qualify
4 every six months.

5 MR. BURKE: You said "TSU"?

6 MR. HOLLAND: TSU, Tactical Support Unit. We
7 have to qualify every six months. That's what we do.
8 But you take a regular C.O., they have to qualify every
9 year. And basically they're out there to qualify and go
10 home. They just want to shoot their score and leave.

11 Tell you the honest truth, I really think
12 that we should be qualifying every three months. People
13 should have weapon -- familiarity with their weapon.
14 They should know when I pick it up this is what goes in

15 it, this gun is unloaded, this is loaded, this is what
16 it's going to do, this is what it's not going to do.
17 You need to feel comfortable. You can't just say, "I
18 carry this thing around with me for nine to ten months,
19 I never shot it before, I got to go qualify next month,
20 no big deal." What happens if something happens?
21 I get people out there on the range they
22 don't know how to load the weapon, they don't know how
23 to unload the weapon, they don't know how to service
24 load it, how to make it safe. I'm standing back there
25 and I'm going, "Okay. Make it safe. Make it safe."

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1 You're trying to be as calm as possible, but you're
2 watching people do stuff and sometimes it comes down to
3 where you have to literally take the weapon out of
4 somebody's hands and say, "Okay. Please step back."
5 It's not their fault, it's just that we don't have
6 enough training.
7 MR. GUENTHER: That's all I have.
8 MR. VANDERPOOL: How many rounds is your
9 qualification?
10 MR. HOLLAND: We shoot 50 rounds when it
11 comes down to the Glock. It's 30 rounds when it's the
12 AR. And I think it's -- if I'm not mistaken eight
13 rounds for the shotgun.
14 MR. VANDERPOOL: Paper or steel?

Brp022504
15 MR. HOLLAND: Paper.
16 MR. VANDERPOOL: Any steel?
17 MR. HOLLAND: It's all paper.
18 MR. VANDERPOOL: Any movement?
19 MR. HOLLAND: No movement. It's all paper.
20 MR. VANDERPOOL: Do you do stress reload?
21 MR. HOLLAND: You do stress reload. We do
22 stress reload with the Glock. You can do stress reload
23 with the AR.
24 MR. VANDERPOOL: Thank you, Officer.
25 MR. BURKE: Thank you, Officer.

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1 MR. GUENTHER: Thank you.
2 (Lunch recess)
3 MR. BURKE: Officer, if you could just, when
4 you state your name, also spell it for the Court
5 Reporter's purposes, that will be helpful.
6 THOMAS RIEDY
7 MR. RIEDY: My name is Officer Thomas Riedy.
8 That's spelled R-i-e-d-y. I work at the Lewis Prison
9 Complex. I'm assigned to the Steiner Unit. In August
10 it will be my fourth year anniversary, and I've worked
11 at Steiner on graveyard shift almost the entire time.
12 At this point I know you guys have heard a
13 lot about pay benefits, and I only want to touch a
14 little bit on some of those things. One of the main
15 things that I want to bring up -- and this is not

16 necessarily directed towards the Department, but more
17 towards the legislature and the public at large -- but
18 there really is a disparity between the way correction
19 officers are treated by the legislature and the way that
20 police and firefighters are treated.

21 For example, currently the benefit
22 calculation for retirement for a police officer or a
23 firefighter includes their overtime compensation. So
24 someone who makes a considerable amount of money working
25 overtime would receive a much higher retirement benefit

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1 and ultimately the result of their work would be worth
2 more to them in the future. Correction officers do not
3 have this. They are not treated the same way.

4 Also, a policeman or a firefighter who dies
5 in the line of duty, his family is entitled to a free
6 education with the state. Corrections officers are not
7 included in this statute. That is a major difference,
8 and that points out how corrections is excluded from the
9 law enforcement community at large, first by the
10 legislature and then we're ultimately ignored by the
11 public. So I think that that plays a lot into how our
12 corrections officers feel about their jobs. If you're
13 not appreciated by your public or by your elected
14 officials, it's difficult to appreciate the job that
15 you're doing for the public.

16 One of my other areas of concern is related
17 to training. But ultimately the administration and the
18 supervisors are responsible to ensure that we are
19 properly trained, and that we are carrying that training
20 into our daily execution of our jobs. And I can speak
21 at the Lewis Complex that is not the case. I have
22 worked at Steiner Unit for nine months before I met the
23 deputy warden who I'm ultimately responsible to.
24 I met the warden of the complex, Warden
25 McFadden on my first day. Since then we've had, I

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1 believe, a total of three new wardens. I've never met
2 any of those. And I would not even -- the previous two
3 that we had before Warden Gaspar I would not be able to
4 identify even by sight.
5 The monthly visits that administrators --
6 senior administrators are required to conduct, I don't
7 believe are happening, or they're not happening with the
8 frequency and the regularity that allows them contact
9 with the entire base of staff at the units.
10 MR. BURKE: Explain the monthly visit.
11 MR. RIEDY: The deputy warden, and the
12 warden, and I believe the ADW, and chief of security for
13 the units, are required to tour the units. They submit
14 monthly reports. The policy says that they're supposed
15 to do it with a frequency that they have contact with
16 all shifts.

17 So I give you that it's possible that he
18 comes every single time on my day off. But in three and
19 a half years you would think that I would have seen him
20 more than four times on graveyard shift. And that's
21 also speaking with my other shiftmates, that's a similar
22 experience for them as well. People who work on the
23 days I don't work.

24 And from a personal experience I can say
25 working graveyard shift we get tired at the end of a

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1 10-hour shift. And sometimes you go to work and you've
2 been -- you've had family issues, or you've been up and
3 you had a long day. I will admit that at times I have
4 gotten so tired I have written jibberish in my log and
5 nobody has ever questioned me. So it's obvious to me
6 that the logs aren't even being read. There's an
7 emphasis that it has to be in the log or it didn't
8 happen.

9 The log has a space on the bottom for
10 everybody in the chain of command up to the warden to
11 sign off on it. Routinely sergeants come to your post
12 and sign off on your log. They don't read and review
13 the log. They just look at it and make sure you're
14 filling it out and sign it and go. It's routine that
15 sergeants at my unit visit a post once a shift, if at
16 all. I worked on a post when I've never seen a sergeant

17 at all. So the supervision is not there to ensure that
18 we're doing our jobs. And after a while when nobody is
19 watching, it's easy to become complacent.

20 In addition to that, the training -- I'm sure
21 you've already heard about it -- but the training is
22 totally inadequate. The 15-minute modules for
23 in-service training for the security series
24 especially -- I got here the list of the modules.
25 There's 52 of them from the 2002 training unit, five of

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1 them are directly related to institutional security.
2 Two of those are related -- or I shouldn't say
3 institution, I should say they're directly related to
4 security issues. Two of them are related to off-duty
5 security issues. So the rest of them are issues
6 regarding property, health, reading prescription labels,
7 religion, things of that nature.

8 They're probably very important things that
9 every officer should know as part of working in the
10 Department, but at no time does my supervisor stand up
11 and talk about tower operations, or what to do if, you
12 know, that's very infrequent. We don't have the time,
13 they don't have the knowledge.

14 So as far as weapons training goes, most
15 people who are posted in the tower at Steiner aren't
16 qualified to be shooting the weapon, even if they are
17 qualified with it. They may have shot 50 rounds out of

18 an AR, but that certainly doesn't make them ready to
19 post in upper tower and make life or death decisions.
20 And that's evidenced by the fact that on the previous
21 occasion when we had significant incidents that
22 warranted deadly use of force, the officers who were
23 posted did not fire. This has happened several times at
24 Lewis, and I know that like at Buckley it happened just
25 two weeks prior to the tower incident with a disturbance

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1 at Buckley Unit.
2 As far as the staffing levels go, we all know
3 that the Department is understaffed, and that we've had
4 significant officer vacancies for a long time. The
5 concept that the previous administration had to staff
6 the units at the minimum level always is another
7 unacceptable item. When I started with the Department,
8 my shift or minimum level was 26 officers. It was
9 reduced to 14. Immediately after the tower incident
10 concluded it was brought up to 21. We are still not
11 even back to where we were at when I started. We're not
12 even as safe as we were when I started. And as a result
13 of that we don't have enough people on our yard that we
14 can post every shift and have officers leftover to
15 train.
16 So what ends up happening is a new officer
17 comes fresh from the academy and they get posted in a

18 dorm control room by themselves for approximately a
19 month. And then after that the sergeant starts to see
20 that maybe that person is ready to be moved out onto the
21 yard, and they start putting them into positions where
22 they have more responsibility. But they haven't even
23 been trained adequately on how to be a ward officer or a
24 control room officer because they've been pretty much
25 alone for that entire month.

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1 So overtime, the mandatory overtime that's
2 been imposed at Lewis to make up for the staffing
3 shortfall, it is very difficult to get a work force to
4 agree to work for you beyond their regular shift if
5 they're not being immediately compensated. And
6 especially if they feel that they're not being paid well
7 enough to do the job that they're supposed to do in the
8 first place, and then you're asking them to do more than
9 that, and oh, by the way, you're going to get paid
10 later, maybe, you can maybe take the time off in the
11 future, or we'll pay it off at the end of the year.

12 So there's been several times that I have
13 commented and made suggestions through my chain of
14 command to change the way that mandatory overtime is
15 done. I proposed a system kind of similar to Constant
16 Manning System that Phoenix Fire uses. But one of the
17 presuppositions of my proposal was that you would have
18 to pay an officer who stays for minimal level staffing

19 cash overtime every single time.
20 If it so happens that the unit returns above
21 D-level then it's comp time, but if they're being kept
22 to meet the minimum level, pay them cash. And the
23 answer time and time again is "No, we can't do that. We
24 can't pay cash. We just can't pay cash. It's out of
25 the question. It's not in the budget."

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1 Well, I'm here to tell you that on the very
2 first day that my complex implemented 50/50 cash
3 overtime comp time policy about a year and a half ago
4 they sent home officers on straight time and replaced
5 them with officers on comp time at 50/50, at time and a
6 half, because they were prescheduled.
7 In other words, we came into the shift with
8 more than we needed for D-level, so they said who wants
9 to go home and take vacation because there were officers
10 there making time and a half. Does that make sense?
11 MR. BURKE: It makes sense how you explained
12 it, but it doesn't make sense why they did it.
13 MR. RIEDY: Right. That to me is just waste.
14 And they at the end of the year when we hear that the
15 overtime is being cancelled because we're overbudget and
16 they need to cut back on the overtime payments, it
17 doesn't make any sense to me, because sergeants will
18 work you if you want to work.

19 During the boom at Lewis I benefited from
20 that. I had agreements with sergeants if they wanted me
21 to work, I would work for them any time if it's a
22 hundred percent cash. When I went to them and said
23 "Hey, I want to stay." They would say, "I don't have
24 any room for you." I'd say, "Come on, keep me." They'd
25 say, "Okay." They would find some place to hide me.

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1 They were way over their D-level. It's wasteful.
2 But that goes back, again, to the
3 administration, the supervision, you know, making sure
4 that they're not keeping staff that don't need to be
5 worked. They're not paying people that they don't need.
6 So that's all I have to say today.

7 MR. GUENTHER: You said that we should deal
8 with our overtime as Phoenix Fire. Can you tell us a
9 little bit about Phoenix Fire?

10 MR. RIEDY: Yeah. Phoenix Fire, they have an
11 Office of Time Management that basically calculates all
12 their vacancies. Obviously they don't have permanent
13 postings everywhere, they use quite a few rover
14 officers, and they put them where they need them, but
15 they still from time to time come up short.

16 Every single day in every station there's a
17 list called the CM List. Basically it's a voluntary
18 list that you put your name on if you want to work
19 overtime. At roughly 6:00 or 7:00 in the morning the

20 Office of Time Management goes to that list and they
21 fill any remaining vacancies that they have, and they
22 call you up at your post and they say "Do you want to
23 stay?" And this is where we're going to send you, or
24 they give you an option and say, "These are the
25 assignments that we have, where do you want to work?"

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1 And then you stay.
2 Once you have stayed through your constant
3 manning shift your name goes to the bottom list and you
4 won't rotate back up for a while. So by doing this, if
5 we had a voluntary list that everybody went on
6 complex-wide and said I want to work overtime, okay,
7 call me. So when it's your day, they go to a list and
8 they say, okay, Officer Riedy is up. Is he working.
9 They call your unit and say, "Is Officer Riedy there?"
10 They say "Yes." Okay. Transfer them to you, they tell
11 you, "Do you want to stay for overtime?" You say, "Yes,
12 I do." Okay. They tell you where you're going to go.
13 If the person is not there, you just skip
14 over them and go to the next name on the list, and so
15 forth. But you don't have people on that list that
16 don't want to be there. If your family situation is
17 such that you can never stay for overtime, they don't
18 put your name on the list.
19 But if you know you're going to get paid, I

20 mean, I don't know anybody that doesn't want to work for
21 cash overtime. As soon as they announce there's cash
22 overtime available, everybody starts signing up to work
23 overtime. The catch would be if you put your name on
24 the list and you refuse more than once that you go off
25 the list for a year. So you wouldn't be eligible for

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1 any overtime at all.

2 Again, it would only be -- you would only be
3 paid cash if you were kept to meet minimum level
4 staffing. So in order to return the unit to D-level
5 they would pay you cash.

6 MR. GUENTHER: Do you like working at Lewis?

7 MR. RIEDY: I like my job. I like working
8 for the Department of Corrections. I like being a
9 corrections officer. I don't like working at Lewis.

10 MR. GUENTHER: What don't you like about
11 Lewis?

12 MR. RIEDY: Like I mentioned, I have worked
13 in several different careers before this. I worked in
14 construction. I worked in communications. I've never
15 worked a job in my life where I didn't meet my boss on
16 the very first day. That was the first thing that
17 happened after they said you're hired. Oh, by the way,
18 here's the boss, the guy who can fire you. That to me
19 is disrespectful. But in talking to other people who
20 worked at Lewis that's not uncommon. So that's one

21 thing.

22 Another thing is that the entire place when
23 RASK (phonetic) was opened we had a shortage of
24 officers. The unit was opened anyway. What they did at
25 Steiner was they reduced our minimum level. They said

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1 you need fewer officers to staff the yard. We went into
2 a situation where on the blue side -- on our blue yard,
3 which is the minimum custody level, we had three
4 officers posted to cover the three dorms.

5 When I started with the Department the same
6 yard had six officers posted, plus two roving yard
7 officers for the same number of inmates. It hasn't
8 gotten any -- the inmates haven't really changed that
9 much. They said they have gone down a little bit in
10 classification level, but realistically they're still
11 just as dangerous as any other inmate, they're as
12 unpredictable, they're still felons, we still have
13 problems with them.

14 In fact, we've had more problems on our
15 minimum level blue yard than we've had on our red yard
16 where we have higher custody inmates.

17 MR. GUENTHER: Officer Riedy, where do you
18 live, what town?

19 MR. RIEDY: I live in Surprise.

20 MR. GUENTHER: Okay. And how long does it

21 take you to travel from Surprise to Lewis?

22 MR. RIEDY: About 45 minutes -- or 55
23 minutes.

24 MR. GUENTHER: Do you have a certain thing
25 you put in your window that tells anybody that you're in

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1 a hurry?

2 MR. RIEDY: No.

3 (Laughter)

4 MR. GUENTHER: So it's about 55 minutes each
5 way?

6 MR. RIEDY: Yes.

7 MR. GUENTHER: And does that bother you? I
8 mean that --

9 MR. RIEDY: No. I lived in California. I
10 used to have to commute 70 miles one way and take seven
11 different freeways and it took over three hours. So it
12 doesn't bother me at all to drive 45 or 55 minutes.

13 MR. GUENTHER: So besides supervision, is
14 there something else you don't like about working at
15 Lewis?

16 MR. RIEDY: Well, I think that there's -- I
17 mean, the supervision issue is huge, and I think that
18 it's -- part of that is there's a disconnect between the
19 administration and the line staff.

20 I have gone to other complexes and I see more
21 interaction between administrators and the back office

22 personnel and the line staff than we have at Lewis, and
23 specifically -- and especially with graveyard shift. I
24 worked a lot of overtime at SMU II, the Eyman complex
25 when they were operating the hot line down there, and it

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1 was not uncommon there to see a deputy warden come in on
2 graveyard shift and just hang out with the officers on a
3 regular basis. It happened several times during the
4 time that I was working overtime. But like I said, it's
5 very infrequent that we even get the monthly visit that
6 we're supposed to get at Steiner Unit.

7 MR. GUENTHER: Thank you.

8 MR. RIEDY: Thank you.

9 MS. MORRISON: Do you think it's complex-wide
10 or only at Steiner?

11 MR. RIEDY: A lot of people that I have
12 talked to that I know I've heard similar experiences at
13 other units. And certainly you can't generalize the
14 whole department this way, and say that the whole
15 department is infected with this. But I certainly think
16 that when there's a high degree of complacency, and
17 there's a lot of people that are unhappy about their
18 financial situation, or about the situation that they
19 have with supervisors, or the problems that we
20 experience through -- with the legislature, I think
21 it's common that these things can happen.

22 MS. MORRISON: Thank you.

23 MR. BURKE: Officer, you mentioned that there
24 have been times when staff have been directed to go home
25 because the minimal staffing level had been met. Were

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1 you under the impression that there is a policy that
2 they only need to meet the minimal staff level, because
3 the minimum staff level includes the word "minimal."

4 MR. RIEDY: Under the previous two directors,
5 my understanding is that there was -- that we have a
6 minimum staffing level policy. I may not be correct in
7 this, but my understanding is that the policy is that we
8 are going to meet D-level, we're not going to -- we do
9 not -- at least at Steiner we do not reach to attain
10 higher than D-level if we don't have to.

11 In other words, if we are required to have
12 fourteen officers and sixteen come in and two want to go
13 home, usually the supervisor will send them home. From
14 time to time administration has said to the supervisors,
15 "Oh, we don't want you to have more than two people off
16 on annual leave prescheduled." So that -- because what
17 will happen is you have --

18 MR. GUENTHER: Is there a volume on there
19 anywhere?

20 MR. RIEDY: Yeah, there we go. We've had
21 people -- or we've had a situation where maybe there's
22 20 people on the roster for the night, we only need 18,

23 and if you scheduled four for annual leave, you know
24 you're going to be below minimum level, so they didn't
25 want that situation.

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1 But they would schedule two for annual leave,
2 and when you come in and you have two extra staff and
3 they say does somebody want to take annual leave and let
4 two people go home. And when we're worried about
5 posting each post, it doesn't bother me so much, you
6 know, I mean, if the emphasis is to post the post to be
7 secure and safe, then by all means keep the minimum
8 level that we need.

9 If people want to take leave -- the fact of
10 the matter is there's times when the sergeant comes in
11 and says all leave -- we're not going to approve any
12 leave for the next four months because we're too
13 shortstaffed. So when there's an opportunity to take
14 leave, you want to grab it. So I don't begrudge anybody
15 who wants to go home if we're overstaffed, but I do have
16 a problem if the Department keeps somebody at time and a
17 half and let's somebody on straight time go home and
18 then tells me next week, oh, we can't pay you overtime,
19 we can't pay you time and a half cash, we don't have the
20 money. Well, you had the money last week when you kept
21 that guy. It doesn't make any sense.

22 So I think the emphasis is on the wrong

23 thing. The emphasis should be on meeting the minimum
24 staffing level, not paying cash, or not paying cash
25 based on the occupational vacancy of the complex. To

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1 say that the complex is 15 percent vacant, we can pay
2 cash now because we're shortstaffed ignores the fact
3 that even when you're less than 15 percent vacant you
4 can still be shortstaffed if people don't show up for
5 work. If you need people to stay, pay them to stay.

6 MR. BURKE: But you believe, though, that the
7 so-called D-level staffing is inadequate?

8 MR. RIEDY: Well, at Steiner Unit the D-level
9 staffing has been the last thing. It's changed based on
10 the circumstances. My understanding is that the prison
11 was designed with security in mind, that the number of
12 posts at Steiner Unit, for example, is designed to be
13 the most secure method of managing the inmates.

14 And so all of the posts that are identified
15 as being D-level posts are the minimum level that we
16 have to staff. And yet when we were in the middle of
17 our staffing crisis and we had a thousand officer
18 vacancies statewide, and the complex was at 30 percent
19 occupational vacancy, they reduced the number of staff
20 that we were allotted and said now you got to fill the
21 same yard, but you're going to have fewer D-level posts,
22 you don't need to post these other posts, they're not
23 critical. Right.

24 And then now all of a sudden the tower
25 incident happens and our staffing level is back up. I

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1 applaud the fact that it's going back up. I would like
2 to see it go back all the way up, you know.

3 Just last week we got a direction that we
4 have observation rooms off of our chow halls where the
5 inmates eat. It's the largest congregation of inmates
6 that you have at any one time is in the chow hall while
7 they're eating. Under a minimum staffing level of 14,
8 often we didn't have enough officers to have more than
9 one officer in the chow hall with a hundred or so
10 inmates. That's definitely unsafe.

11 So that's been changed, and now we have
12 enough officers that we can put more officers in the
13 chow hall. We do this by shifting them from the dorms.
14 On the blue side we take the control room officers out
15 of the dorms and they go into the chow hall in the
16 morning. We have one roving officer who roams around on
17 the blue yard and checks all the dorms. So you got one
18 officer supervising three dorms with a reduced number of
19 inmates in them, and then you got two or three officers
20 in the chow hall supervising the inmates who are eating
21 in one location.

22 We've just gotten the direction that we have
23 to place an officer in an observation room that's

24 separate from the chow hall. Well, that takes away our
25 roving officer. So now, even though we have 21 staff

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1 available, we are back to there's nobody supervising the
2 dorms when the inmates are eating chow on the blue side.
3 There's not a single staff member anywhere inside the
4 dorm. So the inmates are free to do whatever they want
5 to do there. But they're safe and secure in the chow
6 hall eating chow. We have to do this on both sides of
7 the yard.

8 We have two observation rooms. In one room
9 we're supposed to post the Israeli Fogger, which is like
10 a mass delivery device for OC spray in that observation
11 room in case something happens in the chow hall. And on
12 the other side we just post an officer with a radio and
13 he'll alert somebody if there's a problem.

14 MR. GUENTHER: Say that again, "Israeli
15 Fogger"?

16 MR. RIEDY: The Israeli Fogger?

17 MR. GUENTHER: Fogger?

18 MR. RIEDY: It's a tank with a nozzle and it
19 delivers a massive blast of OC spray -- CS spray, I'm
20 sorry.

21 MR. GUENTHER: And if that gas is dispersed,
22 what about the officer in the observation room?

23 MR. RIEDY: He would probably leave the
24 observation room quickly.

25

MR. GUENTHER: Okay.

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1 MR. BURKE: How do you bring a situation like
2 that under control after the Israeli Fogger has been
3 implemented?

4 MR. RIEDY: Well, you know, I think we've
5 gotten the direction to do it, and there's certainly
6 policy that governs the use of chemical weapons, and you
7 have to do certain things like ensure that there's a
8 safe exit and allow for decontamination immediately
9 afterwards.

10 But again, we're in a situation where we've
11 been directed to do something, but we really haven't
12 been trained on procedurally how to implement this
13 should it happen. It's basically left up to the
14 officer's discretion when and how to deploy it. And
15 then, obviously, the sergeants hopefully will come down
16 and take over the situation when it actually does occur
17 and direct us on what to do from there.

18 MR. BURKE: Have you ever been involved in a
19 simulation with the Israeli Fogger?

20 MR. RIEDY: No, no simulations with the
21 Israeli Fogger. It's usually kept in the tower in the
22 weapons locker room with all the other weapons.

23 MR. GUENTHER: So the only -- wait a minute.
24 Excuse me. So the way you get the Israeli Fogger into

25 the chow hall is you go down the B-spine?

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1 MR. RIEDY: Well, they have considerably
2 changed tower operations at the Steiner Unit, and for --
3 first off, they've eliminated our ability to go in the
4 tower if you're not assigned to the tower. So they told
5 all staff that's not allowed in the tower.

6 The only access for staff is from the
7 administration end of the spine. Staff members are no
8 longer allowed to utilize the tower gates that are
9 immediately at the base of the tower to move between the
10 yards.

11 And if you want to move between the yards you
12 can do it through the walk-through gates that are
13 towards the chow hall. So what we've been told is that
14 the officer who is going to retrieve the Fogger would
15 enter from the chow hall gate, walk up the spine,
16 identify themselves at the tower gate coming from the
17 chow hall, access the tower sally port, go into the
18 tower base after being properly I.D'd, go up and get the
19 Fogger and then bring it out to that observation room.
20 And then my understanding is that at the end of the
21 shift it's supposed to be returned to the tower.

22 MR. GUENTHER: Okay. But if you're not
23 trained in how to deploy it or how to react afterwards?

24 MR. RIEDY: We've all received the training
25 at the academy in what to do after deploying chemical

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1 weapons. We've all been told what the policy is
2 regarding that. And we've all seen a video on how to
3 deploy the Israeli Fogger, but we really haven't been
4 given a procedure or any guidelines for when and how to
5 use it in a particular situation in the chow hall. If
6 it's even advisable to use it.

7 Obviously you've got two or three other
8 officers in that chow hall doing security. You probably
9 don't want to fog them, and usually there's no method to
10 lock the doors other than an officer taking keys to the
11 door and locking them to lock the inmates in and confine
12 them to a certain area. But again, you wouldn't want to
13 do that because that would violate policy.

14 MR. GUENTHER: But you got -- you're not
15 trained in actual situation training?

16 MR. RIEDY: Right.

17 MR. GUENTHER: And yet -- and you got a lot
18 of young sergeants out there at Lewis. What makes you
19 think that they -- are they trained in these incidents
20 any better than you are?

21 MR. RIEDY: It's really hard to say. It's on
22 a case-by-case basis, and there's a wide variation in
23 training among the sergeants. Some sergeants are very
24 good, they're very conscientious, they have a lot of
25 knowledge, they've been around for a long time.

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1 I was having a conversation earlier with the
2 deputy warden. Personally I don't -- I have three and a
3 half years in, I know I'm no where near being ready to
4 promote to sergeant, nor do I want to. You obviously
5 know about the pay inequity.

6 One thing that nobody's really mentioned is
7 the fact that if I promote before I reach my eighth step
8 as a C.O. I relegate myself to the middle of the pay
9 grade for every position that I occupy after that point.
10 There is no way that I can attain the top of the pay
11 grade for a sergeant or a lieutenant if I promote before
12 eight years.

13 So economically it wouldn't make any sense.
14 But from an occupational standpoint, I'm not ready to
15 promote. And a lot of the people who have one and a
16 half or two and a half years in, I don't think they were
17 ready to promote, either. But for whatever reason it
18 made sense to them.

19 MR. BURKE: Officer, thank you very much.

20 MR. RIEDY: Thank you.

21 WAYNE METZLER

22 MR. METZLER: Hello, my name is Officer
23 Metzler. I work at Steiner Unit, swing shift. I've
24 been with the Department since 1997. I would like to
25 expand on some of the stuff --

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1 MR. BURKE: Spell your name for the record.

2 MR. METZLER: Wayne Metzler. M-e-t-z-l-e-r.

3 I would like to expand on some of the stuff that Officer
4 Riedy has spoken about in regards to the staffing
5 procedures and everything else.

6 Since I transferred to Lewis from Eyman in
7 '99, when I got to Steiner Unit we were staffed at 31
8 officers for swing shift. That was our minimum D-level
9 staffing, and that's what we came in at every day.
10 Whenever we would get below that, we would still run the
11 yard open.

12 Well, now every time we have gone below that
13 and couldn't get back above that, they would just say,
14 "Okay. You guys are running the yard fine and open with
15 this many staff so you don't need these two staff
16 members."

17 Since I've been on Steiner that's the way
18 it's being going, two officers at a time, or three
19 officers at time, until we got down to where we're only
20 staffing with 21 officers on swing shift. And it's the
21 same thing with graveyards and days.

22 For at least six hours a day on our blue yard
23 we have no officers watching 400 inmates because we're
24 in the chow halls, we're posted in the chow hall, we
25 have nobody on the whole blue yard, and that's the yard

1 that we have all our problems on. That's the yard we
2 are getting all of our drug issues on and all our
3 assaults. Last Thursday for all of Lewis we had five
4 assaults in one day. Five staff assaults in one day at
5 Lewis last week on Thursday.

6 One of them was on Steiner Unit. Officer
7 Boyles, a very good friend of mine -- it was a result of
8 not having enough staff -- an inmate came up to him and
9 said, "Hey, I need to talk to you." So they stepped
10 outside where there was no other staff and the inmate
11 hit him. You know what, we all feel bad about it
12 because we couldn't be there because we were all in
13 other places.

14 MR. BURKE: Let me ask you, he walked out and
15 was alone with the inmate because the inmate requested
16 to have a private conversation with him?

17 MR. METZLER: Yeah. Well, the way it works
18 out there is like if an inmate will come up and tell you
19 hey, I've got a problem, a lot of us are in the mindset
20 of okay, this inmate is going to request protective
21 segregation, which is what he was after but he went
22 about it in the wrong way by striking Officer Boyles.
23 He went outside the chow hall where there's nobody out
24 there to help him because everybody is in the chow hall
25 providing security for the chow hall.

1 We also have a problem right now at Steiner
2 because we are doing more for medical than we are for
3 security. We are pulling at our 1530 count we are
4 pulling anywhere from 50 to 70 inmates and putting them
5 on hour count for our hour counts, so medical can hand
6 them out daily medication. And there's only two
7 officers in that chow hall with upwards to 60 to 70, 80
8 inmates. We have to delay chow at least an hour and a
9 half on the red side so we can get medical out there to
10 inmates for their pill call.

11 Also, they have our staff, our office mail
12 room staff are passing out medication to these inmates
13 when we would have to get a prescription from a doctor
14 and go get it from a pharmacist. That makes no sense.
15 We have already run across an instance where we have
16 passed out the wrong medication to an inmate because
17 they take the medication, they put it in a little brown
18 bag, a little paper sack and write the inmate's name and
19 number on it. The only reason we knew that we gave him
20 the wrong stuff is because he came up and said, "Hey,
21 this is not the stuff I'm supposed to be getting." And
22 it did not have his name or number on the medications.
23 But we can't open that up, we're not -- we are not
24 medical staff, we shouldn't be passing out pills like
25 that. We're passing out psych drugs, all sorts of stuff

1 for weeklies.

2 MR. GUENTHER: It was my understanding that
3 only medical personnel could pass out pills, especially
4 if it was a watch-to-swallow.

5 MR. METZLER: Well, the watch-to-swallows,
6 the daily pills, medical are passing out. But the
7 weekly pills, stuff like Tylenol 3 or some of the lower
8 psych drugs, stuff that they get on a weekly basis,
9 security staff is passing that out at Lewis. Our mail
10 complex officers are coming around and passing it out.
11 And as far as I know, I know some paramedics, they got
12 to be qualified to pass out some of the meds that we're
13 passing out on weeklies.

14 Also, I would like to bring up -- what else
15 was I thinking of -- like on training. When I started
16 in the Department we would go for a week-long training
17 for one time a year for one week long, five days, we
18 would report for training. And that's all we would do
19 is train for that week. They don't do that anymore.

20 We get two days of range, outside of that we
21 get 5-minute modules in our briefings, or 15-minute
22 modules that nobody reads. They pass them around and
23 they say, "Okay. Read this and sign this paper like you
24 took the class." That's been going on for three years.
25 I haven't seen a week-long training. And our training

1 has fallen, it really has.

2 Also you guys asked the question about
3 searching and stuff like that. We used to lock down all
4 the units and do a quarterly search, every three months,
5 and we would lock down and just go through everybody's
6 stuff, all the posts and all that. We haven't done that
7 in at least four years. We have not locked down a yard
8 to do a quarterly search. We get -- our own personal
9 vehicles when we come in get searched more than we
10 search inmates' houses on quarterlies.

11 Unless I'm forgetting something, that's about
12 it if you guys got any questions for me. Oh, I'm
13 forgetting something. On the weapons in the towers that
14 we've got, and most of the weapons we do use, even this
15 can of spray right here that I got in my hand, I wore it
16 for a purpose today. We don't get any training on this
17 stuff. Nothing at all.

18 In COTA what do they do? They take a little
19 bit of it, spray it on a Q-tip and rub it under your
20 eye. What's that tell you? Ooh, it works. Okay.

21 You got hand grenades -- not hand grenades,
22 you got smoke grenades, you got CO grenades (phonetic)
23 Stinger ball grenades, all in these towers out there at
24 Lewis. Nobody has ever thrown one of those unless
25 you've been in the military, and most of our people that

1 work for us now have never been in the military.

2 We've got 37 millimeter gas guns. All the
3 training you get on that is when you go to the range you
4 shoot two knee-knockers out of it. We've got munitions,
5 we got 75-yard projectiles -- gas projectiles that we're
6 supposed to have, and the tower is supposed to shoot at.

7 In our shotgun we shoot bird shot and buck
8 shot. Well, also in the tower we have rubber ball
9 rounds. Nobody has ever shot no rubber ball rounds out
10 of a shotgun that I know of unless you're on a special
11 team. We got all sorts of munitions that are on these
12 units that nobody uses, nobody would know how to use
13 unless you've been in the military.

14 I think now I'm done.

15 MR. VANDERPOOL: On the -- in COTA when
16 you're getting your OC training, you don't get sprayed?

17 MR. METZLER: No, you don't get sprayed. The
18 most that they'll do with this is they'll spray a little
19 bit on a Q-tip and they'll rub it under your eye. The
20 other thing that they'll do is they'll take little C.S.
21 hand grenades and they'll throw it out there and let it
22 go off and make you walk through it. But if anybody has
23 ever done that before, you can hold your breath while
24 you're walking through that if the wind is blowing. So
25 you don't get any training at all.

1 MS. MORRISON: Have you ever brought any of
2 your concerns, any one of your whole laundry list, but
3 specifically with regard to medical issue and then
4 the -- there was one more that I wrote down -- the
5 medical and then your staffing problem with regard to
6 the slow down for the red side for meals, I guess? Have
7 you brought those to your supervisor's attention?

8 MR. METZLER: Yes. Actually my lieutenant is
9 the one that asked me to bring up the medications and
10 the slow down for chow here at this meeting, because we
11 can't -- obviously everything we've said out there is
12 not going anywhere.

13 MS. MORRISON: Did your lieutenant ask you to
14 bring up anything else?

15 MR. METZLER: No, she just wanted to make
16 sure I said that. She did tell me one more thing, that
17 I got to go back to work after I'm done here.

18 (Laughter)

19 MR. BURKE: Thank you, Officer.

20 MR. METZLER: Thank you.

21 ESTHER DAVIS

22 MS. DAVIS: My name is Esther Davis. I work
23 on Lewis Morey yard, and I work the graveyard shift.
24 All the stuff that happened there, I wasn't there that
25 night. I had called in sick that night, actually.

1 MR. BURKE: D-a-v-i-s?

2 MS. DAVIS: D-a-v-i-s, yes. I got quite a
3 bit of stuff to go over because everybody on my yard is
4 telling me stuff and they know I have a big mouth and
5 I'll tell you.

6 So first of all I want to dispel the rumors
7 that are going on in the newspaper, I'm not sure, about
8 Officer Kelly seeing something in the lower tower. He
9 did not see anything in the lower tower. He couldn't
10 see in through the windows. So that is just a complete
11 and total blatant lie. I just wanted to get that out in
12 the open.

13 Our tower -- we have several problems in our
14 tower. We have a ladder that leads up into the -- up to
15 the top, and on coming down, you're backwards coming
16 down on the ladder, and whatever they clean with up
17 there, or something, it's really soapy and slippery. I
18 almost fell down the ladder on my Friday when I had an
19 AR in my hand. It's just really dangerous. They should
20 put stairs in there. It's really dangerous to walk up
21 and down that ladder.

22 Our gun cabinet is not fastened to the ground. If you
23 shake it enough, and you wiggle it, it's one of those
24 that has the metal panel on it, and you can push the
25 door in and it falls right now. The key really is --

1 it's kind of silly, because you can actually just pick
2 it up and if you threw it down the stairs it probably
3 would open.

4 The tower is a three- to four-man post. It
5 is absolutely impossible to run that tower by yourself.
6 Last night -- not last night, the night before on my
7 Friday, I was up in the tower and I was by myself
8 because we had cross-leveling problems, and they were
9 changing people out. And my upper tower man had left,
10 and since I'm AR qualified also, I had to go up in the
11 tower, up to the top of the tower, I had the gun, I had
12 a radio, and I had my logbook. And I'm supposed to
13 watch two yards, several officers, and take notes, and
14 answer radio traffic with the phone ringing down below,
15 and I'm supposed to run down the ladder with the gun to
16 answer the phone which makes it a really dangerous
17 situation.

18 You should have two people on the top of the
19 tower, one watching the red yard, watching the blue
20 yard, because the inmates are very clever and they like
21 to do diversionary things. They see the back of my head
22 from the red yard they know I'm paying attention to
23 something that they've already preplanned on the blue
24 yard, and then they're shanking somebody on the other
25 side, or they're stabbing someone. So it's kind of

1 self-defeating.

2 Then they're saying that they would like to
3 put someone in our lower tower and not in the middle
4 tower. Well, the lower tower you can't see anything
5 through the red field cage. You're pretty limited on
6 your view of the yard, and how are you supposed to clear
7 traffic on a protective custody yard with housing issues
8 if you can't see the yard and you don't know who is out,
9 and who is in front of the building and all that.

10 Also you're supposed to be checking the
11 I.D.'s down below, and they keep saying they're going to
12 get lighting, but we haven't seen lighting yet. And the
13 last time I was down there I was trying to do a face
14 I.D. I turned on the light, if you turn the light on
15 downstairs, I see the reflection of my face perfectly
16 and can't see them. And then if you turn that off and
17 you shine the flashlight you see the reflection of that
18 flashlight perfectly, but you still cannot see them. So
19 you have to have them back up and take their flashlight,
20 if they had one, and shine it on their face and shine it
21 on their I.D. just before you let them in. It's kind of
22 a security risk, I thought.

23 Also we have radios in the tower, but they're
24 the hand-held, scotch taped, rubber banded radios that
25 cut in and out. And some radios get some traffic, some

1 radios get other traffic. So when you're in the tower
2 you have three radios on so you hope you get all the
3 traffic. But the tower is the position in the yard
4 that's supposed to reiterate traffic for people that
5 don't hear, they're in dead spots, well, if I can't hear
6 all the traffic, and I'm in the place where I'm supposed
7 to reiterate, how am I supposed to hear if my
8 (inaudible) is going off, or if an officer is down, or
9 if something else that is extremely important that needs
10 to be reiterated and I can't hear it. If I can't hear
11 it, most of the other responding team members can't hear
12 it, either. We used to have a Vega system up there --

13 MR. BURKE: I'm sorry?

14 MS. DAVIS: A Vega system. It's a radio
15 system that they have a main control, and all the
16 housing units have one, and you push a button, it's like
17 a free-standing microphone that stands up, it's not a
18 hand-held radio, and it's plugged in. So the battery
19 doesn't die, and it doesn't go dead, and it has a better
20 range. But somehow it got broken in the tower and they
21 keep saying they don't have the money to replace it, so
22 they're going to replace our safety with the money
23 issue, with a radio instead. That's a real big issue on
24 our yard because the radios that we have don't stay
25 charged.

1 They got the kind that -- I'm not sure --
2 something about triangulation. They either got the kind
3 that weren't supposed to be triangulated, they try
4 triangulating them and they're destroying them; or
5 they're not triangulating them and they're dying on us.

6 But in the shift you usually have to change
7 your battery at least three to four times. During a
8 tower shift your battery will go dead three to four
9 times. And you will have to go all the way to main
10 control and get another battery, or you can carry them
11 in your pockets all night long and just keep handing
12 them off to a building and having them recharge them.

13 It gets to be a real hassle because you'll be
14 in sally port with inmates and your battery goes dead at
15 that particular time, and you're the only person there.
16 The inmate is not going to give you a battery, he
17 doesn't have one. It's really hard to conduct your
18 business with slip-shot equipment that's always failing
19 on you. Radios are really important to have. So we are
20 having a lot of problems with radios.

21 And then a friend of mine that works at
22 another prison system also said that the radios they
23 had, instead of that little button you can never find on
24 the top, he said that they had a radio that if it was
25 left on its side for two seconds that it would send a

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1 signal to main control with a ticker-tape telling you

2 exactly whose radio that is, so you would be able to
3 know exactly who might have fallen down, or might be
4 down.

5 MR. BURKE: Your friend is at another Arizona
6 facility?

7 MS. DAVIS: He's actually on our yard. He
8 came from a private prison system where they actually
9 have equipment that works.

10 MR. BURKE: And they have that man down
11 device?

12 MS. DAVIS: Yes, it's some kind of man down
13 thing where if your radio goes to its side they're
14 assuming that you've fallen over. And it automatically,
15 instead of you having to push an IMS, or trying to
16 scratch a radio, or try to key it if an inmate has it,
17 or whatever, all you do is drop the radio to the side
18 and an IMS can be called. I thought that was a really
19 cool idea.

20 He said you can actually do it with the
21 radios that we had, he thought. And he said it just
22 cost a little extra money to put something in it, or to
23 have some kind of service turned on. I'm not sure how
24 exactly that works.

25 Also a friend of mine that used to work in

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1 the California D.O.C. they said that in order to get to

2 the tower there you had to go through main control to
3 get a face to I.D., go through main control, you go
4 upstairs into a catwalk that takes you straight to the
5 tower. You aren't walking on the yard, you aren't
6 having to clear radio traffic to get to places.

7 Right now what we're doing is a sergeant or a
8 lieutenant has to clear you over the radio to main
9 control to tell you that they're coming. An inmate can
10 take your radio at any given time -- that's already been
11 proven last week -- your radio can be taken, an inmate,
12 can't -- unless they take over a control room or an
13 office, that's the only way they're going to get a
14 phone.

15 I think phoning would be a lot more
16 appropriate since an inmate doesn't have as much -- they
17 couldn't get a hold of a phone as easily as they can get
18 a hold of a radio. That's just a little idea we were
19 thinking of.

20 Also, the phones, they don't work half the
21 time. So we have the cords, and you have to like tweak
22 them and rubber band them, and sometimes our phones
23 don't ring, sometimes they don't work at all, and you
24 pick it up and it's clicking in and out, and you're
25 trying to get important information and you can't even

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1 talk on your phone. The phones are all broken, which
2 leads me to the work order issue.

3 We have work orders that are being ignored.
4 Since I have worked at Morey I have worked there for
5 three years, and our fire alarms have never worked.
6 Okay. They go off, but -- and you're supposed to check
7 in and go downstairs and check and see if there's a fire
8 and do this and do that. There's like five or six
9 different steps you're supposed to do that are written
10 out on a little thing on the wall.

11 When those go off -- you could be in one of
12 the buildings and it will go off 40 or 50 times a night.
13 And it just keeps going off. That's because they're
14 dirty. There's a work order. There's an I/R number.
15 We just change that I/R number to reflect that year.
16 And I have never seen -- we have fire bills that have
17 been blank for three years. I have heard they were
18 blank before I started. They're blank. They're not
19 working. They're showing trouble.

20 It's like you write this I/R number everyday
21 when you're in the control room. You're supposed to
22 write down all of the work orders. You sit there and
23 you notice, gee, I've written this like 40 times. When
24 are they going to fix it.

25 MS. MORRISON: What I'm trying to understand,

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1 are you saying things that are not getting fixed because
2 they say there's no money to fix them, or are these

3 things that are just being ignored?

4 MS. DAVIS: We're not sure. We aren't sure.
5 They're saying, oh they need to be cleaned, or they
6 don't have the equipment to do that. They got an excuse
7 for everything. But it just keeps getting swept under
8 the carpet, and they're safety issues. If there is
9 actually a fire someone is just going to think it's just
10 Peter calling wolf again and will just figure, well, I
11 don't smell smoke. And it gets to a complacency problem
12 with people doing this.

13 MR. BURKE: How are those responses
14 communicated to you and your colleagues?

15 MS. DAVIS: You have to log it in.

16 MR. BURKE: Right. You log in the request,
17 and then --

18 MS. DAVIS: You call the sergeant, and they
19 put it on the computer with a work order and they give
20 you a number, they tell you what the number is, and you
21 put the number in there and you write an I/R so that
22 they can turn that in with their work order so that they
23 know what the problem is.

24 MR. BURKE: When you get feedback that
25 they're not doing that -- doing it for a particular

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1 reason, is there -- does the system provide that they
2 are required to respond to your work order?

3 MS. DAVIS: That brings us to our
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4 communication breakdown issue. No. There is like zero
5 communication. We don't -- half the people, like I
6 said, they're saying the guy saw someone in the lower
7 tower, and someone says this, and the supervisors don't
8 clarify things because they don't know. And then the
9 higher-ups don't clarify things because they don't know,
10 and they don't want to tell you, because they don't want
11 you to get scared and quit. They don't want this to
12 happen. Everyone is trying to cover up for whatever.

13 So it seems like to us, it seems like a big
14 coverup. It's starting to really bother people. We got
15 a lot of people quitting because they're scared because
16 they think someone is covering something up.

17 MR. BURKE: Do you have many of your
18 colleagues announce that they're quitting since the
19 January 18th incident?

20 MS. DAVIS: We lost a lot of people. We had
21 people from other yards go on stress leave because they
22 heard gun shots. I mean, then that brings them down so
23 then we have to cross-level our people over there, if we
24 actually had them. The last time I worked we were seven
25 down for day shift. Seven down. A couple of days

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1 before that we were twelve down. Twelve officers who
2 just aren't showing up for work. And we're being
3 mandated with a bubble number of one or two.

4 MR. BURKE: What's a "bubble number"?

5 MS. DAVIS: Everyday that you work you get a
6 number. If you work two days in a row, you get two.
7 And then the third day you get a number of three, the
8 fourth day you get a number of four. That's how many
9 days you worked that you didn't work overtime.

10 So when it comes up there's a officer that
11 calls in sick, the person who has the highest number
12 means they haven't worked over the longest, so they get
13 mandated to stay. And so that's how we work the bubble
14 number. Once you're mandated to stay they drop your
15 bubble number to a zero and you start all over from the
16 beginning again.

17 Lately we're getting mandated on bubble
18 numbers four or five. Nobody is getting up past ten
19 lately. And you pretty much have to take extra food to
20 work with you to make sure you can eat the next day
21 because you're pretty sure you're going to get mandated.

22 I'm in a van pool and that puts me where I
23 have to find a ride home. And it's like there's a lot
24 of people quitting. There's a lot of people that don't
25 want to work here anymore because the communication is

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1 bad and other things are happening. It's just getting
2 to be a problem.

3 Another issue that was brought to my
4 attention is gravel, the gravel on the yards. Somewhere

5 between Building 2 where inmates Wassenaar and Coy came
6 out, and to the kitchen, where the kitchen had already
7 been searched because they came out late that day
8 because the kitchen was searched, somewhere from that
9 point to the kitchen they came up with two 14-inch
10 shanks and an electric razor. They were patted down at
11 their housing unit.

12 So inmates like to hide things in the gravel.
13 Why do we have gravel? We're all curious as to why
14 there's gravel. Because when we have -- on my Friday
15 Officer Stinnett (phonetic) had done a rec yard search,
16 11 fence ties were missing on the rec pen on our red
17 yard, and 12 were missing on the blue yard.

18 MR. BURKE: Fence ties?

19 MS. DAVIS: Fence ties. They're about this
20 long (indicating) and it's a piece of metal that can go
21 right through you. And that's what they use for shanks,
22 most often that's what they use for shanks, and they
23 bury those in the gravel.

24 We have metal detectors that are broken. I
25 was told to bring them to MDU (phonetic) the other day

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1 during the IMS, during this whole hostage thing. I
2 picked them up and the handles fell right off of them.

3 I was also told you need to be trained to use
4 them properly, because I don't know how to use them, we

5 don't have any training classes on how to use the metal
6 detectors. So people that are using them are either not
7 trained on them and they're pretending they did a
8 search, or they're doing it wrong because we're finding
9 all kinds of stuff. There's things in the gravel.

10 It should just be cement. There should be no
11 way that they should be able to bury and hide weapons on
12 the yard. And that's where they transport them. They
13 take them out of the building, they're patted down in
14 front of the building. The officers can't be watching
15 who's coming out of the building, so he kicks it in the
16 gravel, tucks it down, the yard porter comes, kicks at
17 the gravel, picks it up and sticks it in his pocket
18 because there's only one man in the top tower and he
19 can't see everything, and then he goes and he plants it
20 wherever the guy tells him to plant it, and there it
21 sits unless he uses it.

22 Gravel is a big issue, it's a very big safety
23 issue on our yard. It's on every yard. But everybody
24 wants it to look pretty. Well, it looks great. Pay the
25 same inmate ten cents an hour to sweep the cement

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1 instead, because cement is a lot safer than gravel.
2 It's a big security issue. It's a problem.

3 Also we have a staff barber. The staff
4 barber is in the blue visitation on graveyard shift.
5 He's in -- like if this is the visitation room, main

6 control is right where the blue doors in the back are,
7 and there's a sally port around them. You can see
8 basically into the room somewhat.

9 His office, the barber office is back like in
10 a back door through another door where there's no
11 security, no one can see him. And if someone goes and
12 gets their hair cut in the middle of the night, I mean,
13 it takes what, two, three seconds to beat someone down
14 with the proper equipment. He's got a big huge metal
15 tool box, whack that up against someone's head.

16 Fifteen minutes goes by and I'm not thinking
17 anything, because in 15 minutes you can have your hair
18 cut. They're back there for an hour sometimes.

19 MR. BURKE: The inmate is going back for --

20 MS. DAVIS: The inmates are going -- no, the
21 inmate is the barber, and the staff is going back to get
22 their hair cut. You can't have a visual on this man.

23 The shoeshine porter is in the hallway, why
24 can't the barber be in the hallway also where we can see
25 him?

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1 That's a big issue and when I brought that up
2 I just got gaffed in the briefing, and it was just like,
3 oh, that's never going to happen, then don't get your
4 hair cut if you don't feel safe. Well, it's not my
5 safety I'm worried about because I'm not going to have

6 anybody cut my hair. The safety issue is for the other
7 officer.

8 Like the other officer said, you got one
9 person in main control, sometimes you have two if you're
10 really, really lucky you will have two. But there's one
11 person, I'm opening doors, I'm closing doors, I'm
12 checking I.D's, I'm logging people in, I'm checking out
13 keys, I'm checking out radios, I'm making sure
14 everything is still there, I'm opening up gates, I'm
15 opening up doors, I'm watching cameras. I don't have
16 time to remember what time that officer went in to get
17 his hair cut and if he came out. That's an extra thing
18 for us to be worried about, and it only takes five
19 seconds for him to go down.

20 MR. GUENTHER: Let me follow up on that. You
21 have a shoeshine porter and a barber porter?

22 MS. DAVIS: Yes, on graveyard shift.

23 MR. GUENTHER: On graveyard shift. Is that
24 the only place --

25 MS. DAVIS: No, they have them on other

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1 shifts also, but the graveyard shift -- we have them on
2 our shift. I work graveyard so that's why I'm bringing
3 up graveyard issues.

4 MR. GUENTHER: What are the porters for?

5 MS. DAVIS: To cut staff's hair.

6 MR. GUENTHER: That's kind of another
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7 benefit?

8 MS. DAVIS: Yeah, for some.

9 MR. GUENTHER: And shoeshines as well?

10 MS. DAVIS: You get free shoeshines and free

11 hair cuts if you want.

12 MR. GUENTHER: How does one become a barber

13 porter or a shoeshine porter?

14 MS. DAVIS: How does what?

15 MR. GUENTHER: How does an inmate become one

16 of these porters?

17 MS. DAVIS: You just put in an application

18 for it.

19 MR. GUENTHER: What are the benefits of being

20 that?

21 MS. DAVIS: I'm not quite sure. You get paid

22 better than the guy that's going to pick up cigarette

23 butts on the yard or grave rocks. I think it's a

24 25-cent job instead of a 10-cent job. It should be a

25 50-cent job, so I heard.

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1 MR. GUENTHER: Do they have a union?

2 (Laughter)

3 MS. DAVIS: Well, that's what the inmate told

4 me. He said he wanted a 50 cent raise, so ...

5 MR. GUENTHER: Thank you.

6 MS. DAVIS: COTA was also an issue. The

7 difference between Tucson and regional is like a really
8 huge difference. You go to Tucson -- I went to the
9 Tucson COTA, and you get up at 4:00 in the morning, they
10 run you for about two hours, you sit and -- you do drops
11 and you do sit-ups, drop and do push-ups, drop and do
12 sit-ups, drop and do push-ups, run some more, run some
13 more. They work you out.

14 And you do all kinds of other stuff. You
15 have to wear your uniform even when you're not onsite.
16 Even when you're not working, after class time is over
17 and you're on your free time you still have to walk
18 around with this stupid hat on with a tag on, and you
19 have to wear the stupid uniform. You don't get to wear
20 your regular clothes. You're always uncomfortable. But
21 they have better training there. And you're working.

22 It's like half the people I know from the
23 regional said, oh, we ran about once a week, what are
24 you talking about. We wore our sweats in class. It's
25 like a different level, because they're a little more --

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1 I noticed that some of them, not all of them, but some
2 of them come from the regional and they're just a little
3 more laid back and not on their toes as much. They
4 didn't really get the same specific training that we
5 got, I think. And a lot of other people do, too.

6 Then we never got any training in COTA over
7 inmate transportation. You got like a 15-minute video,

8 I think, that kind of sort of barely covered it. It
9 didn't tell you how to talk to DC Central. And every
10 time we try to tell people about talking to DC Central
11 we get different things. There should be a class on
12 speaking to DC Central on the actual statewide radio.
13 There's no class on that.

14 And there's no class on doing an MMC run,
15 either, like a medical run, which also brings us to the
16 point of if you're going to be carrying a gun, I think
17 that you should have a year's experience before you're
18 even at the range qualifying.

19 You should be on the yard for a year and
20 learn about inmates before you're in a situation where
21 you're in a transportation situation with a gun on your
22 side with little to no experience with an inmate with
23 you. Because I have been to medical runs before where
24 people with less -- that are just off OJT, and they send
25 people that were like off of OJT and then someone who's

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1 only been on the yard for like maybe two or three
2 months, and those are the two people that are in the
3 room with weapons with an inmate.

4 I think you should be on the yard for about a
5 year before you even get to qualify. You should be AR15
6 qualified at the same time. After your year is up then
7 you should go to range. Then you should get yourself

8 trained. Because you don't know how to deal with
9 inmates, let alone an inmate with -- you don't need to
10 be in a position where you're holding a gun. You should
11 have more yard experience before you're even in a
12 position where you're with a gun and dealing with
13 inmates.

14 The D-level staffing, you hear them on the
15 radio, "We need another warm body over here." We're
16 considered warm bodies. We're not considered officers,
17 we're considered just another warm body.

18 Some of the people that have been
19 cross-leveling to our yard lately, I don't even know how
20 they put their clothes on during the day. It's
21 frightening. Where they're just sitting there and
22 you're just trying to explain stuff to them, and they're
23 just, I'm just a cross-level so
24 I-don't-have-to-really-listen to you type attitude.
25 It's like, oh, it's not my yard.

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1 We're seven down, we're twelve down, or
2 thirteen down, and it gets scary because you know that
3 you're going to wind up having to do all the work for
4 the whole entire building because that cross-level
5 doesn't understand what you're telling them because
6 they're used to working in the dorm and they don't have
7 the same control rooms as we do. So everything is
8 different. And so they don't try to figure it out

9 sometimes, and then you wind up doing the whole thing.
10 And then you sit and tell them you need to go
11 down and do a security check, you got to hold their
12 hands. And it's like, come on, if I told you that you
13 need to do them every 30 minutes, then you'll do them
14 every 30 minutes. You have a clock. It's -- we're
15 just -- plus half the time when they send in a
16 cross-level they're sending the person they don't want
17 in their yard to you. So you're getting an undesirable
18 from another yard half the time. That's what you wind
19 up getting.
20 Then we have people on our numbers that have
21 been out for military leave. You know that we have an
22 inmate -- we have an officer on our yard who I've seen
23 once, and that was when I used to work swing shift. The
24 whole entire two years I've been on graves I've never
25 seen him. He's been out on military leave. Why is he

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1 on our numbers book? Why is he considered one of our
2 staff? We're down numbers because we've got several
3 people on just our shift that are out on military leave
4 that are never coming back, or are out on disability.
5 They've been out on disability for over a year, then why
6 are they on our numbers? Once they're off for a certain
7 amount of time shouldn't they be taken off of our
8 numbers so we can get like more warm bodies today that

9 actually do some jobs?

10 Seriously, it's getting old. It's
11 frustrating because our numbers are "X" -- we have "X"
12 numbers that we're supposed to fill, but oh, he's
13 already filling that but he's in Bosnia. He's been in
14 Iraq for like three years, and no one has seen him, or
15 he's in California working for the military there, he
16 has absolutely no plans of coming back because he's
17 getting paid more there.

18 It's like why is he on our books? Why is he
19 on our numbers? Once they're off our books for a week
20 or two we should get someone else. It's not fair.
21 Because every time you turn around they're dropping our
22 D-level. Oh, you can get by with one yard set. Oh, you
23 can get by with this.

24 Do you know what we work on? Our
25 buildings -- I don't know if you've been on our yard,

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1 total lock-down yard -- there's 50 men on one side and
2 50 men on another side. And you go across the hall and
3 it's 50-50. So you have 200 guys in one housing unit
4 you got two people sitting on them. That's 100 men per
5 person. Two people.

6 Once in a while you get a yard sit, if
7 they're not busy they'll come down and help you with a
8 security check, but they're not there all night. Two
9 people in that building, and an IMS kicks off and you

10 have one person in that building. One person. What if
11 it's a diversionary? What if there's something going on
12 on another yard, already set in time, they're in the
13 chow hall, you got all the kitchen workers, and you get
14 to the red yard and your red yard goes off with an IMS.
15 They know that everyone is going to go. They know
16 there's one person in that building. If there's one
17 person in that building you can't do security checks.
18 It's impossible.

19 You have to pop a button and run up stairs
20 and run down a hallway to get to the door. It's
21 impossible to do because we've all tried it. It doesn't
22 work.

23 Unless you want to go up the hatch, come down
24 and get a ladder, and come around through the side, you
25 can't do a security check. So all the inmates know that

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1 there's one person in a building, they hear your radio
2 when it goes off. Certain TV channels on the inmates'
3 TV's pick up our radio traffic. And their radio
4 stations do it, also. So they know what's going on.

5 MR. BURKE: That's the first I've heard of
6 that.

7 MS. DAVIS: That happens, yes.

8 MR. BURKE: I'm not saying it doesn't happen.
9 That's the first I've heard of that. Could you explain

10 that a little further?

11 MS. DAVIS: They put it on a certain TV
12 channel and they can get our air traffic. They sit and
13 listen to our radio traffic. They know what our
14 security codes are. They know what all of our Ten Codes
15 are. They know what keys we use for what. You sit
16 there to open a door and it's oh, it's key two. The
17 inmates know what keys they are because they sit there
18 and they watch you. They watch everything you do. They
19 know exactly where you're at. They know which officers
20 do this, and which ones are complacent and which ones
21 aren't. And they know that.

22 So they're going to call an IMS -- you're
23 going to call an IMS on the red yard, you're on the blue
24 yard, and you're sitting in a building with 200 men all
25 by yourself, you can't go down, and someone is getting

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1 stabbed to death in their cell and you won't know it for
2 another three hours until the IMS is through. Stuff
3 like this. They know this stuff. This is potential
4 stuff. This is the kind of things that happen.

5 MR. GUENTHER: Let me ask a question, Officer
6 Davis. Where do you think the shanks that Wassenaar and
7 Coy got --

8 MS. DAVIS: They came from the kitchen.
9 They're kitchen racks. We looked at those and we saw
10 them and they looked like kitchen racks. I think they

11 pulled those off. That's what it looked like to us.

12 MR. GUENTHER: But kitchen racks have been
13 exchanged out for quite some time then?

14 MS. DAVIS: Exactly.

15 MR. GUENTHER: Where are they hiding the
16 shanks?

17 MS. DAVIS: In the gravel probably.

18 MR. GUENTHER: That's your point of view?

19 MS. DAVIS: That's my point of view. They're
20 in the gravel or -- they've clever. They hide things in
21 some strange places. That's why when we do cell
22 searches, we're not doing complete cell searches. It
23 should take about an hour to do a cell search. If
24 you're taking any time less than an hour or 45 minutes
25 you are not doing your job.

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1 They will pull off the caulking on the wall
2 and stick it in there and cover it over with toothpaste
3 and it looks like caulking, unless you get down there
4 and check everything.

5 They found heroin rigs inside the walls
6 covered over with toothpaste. You would think it's just
7 a regular wall.

8 MR. GUENTHER: And you also feel that the
9 electric razor that Wassenaar used to change his
10 appearance was also hidden somewhere in the yard?

11 MS. DAVIS: It had to have been because he
12 was patted down. You're going to feel an electric razor
13 unless you're not doing your job again. They were being
14 patted down. I think they said the sergeants were
15 patting down that day, so I know they were patted down
16 properly.

17 MR. GUENTHER: It couldn't have belonged to
18 C.O. Martin?

19 MS. DAVIS: Why would he bring a razor on the
20 yard? He wouldn't be able to. He wouldn't have a razor
21 on the yard. It was an inmate razor, and he wouldn't
22 have had a razor on the yard. He had no reason to. He
23 has a house to shave in.

24 MR. GUENTHER: And one other thing, was there
25 any indication in January or in December that something

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1 was going down on Morey?

2 MS. DAVIS: There's been a lot of speculation
3 on that, and there have been I/R's written about inmate
4 stockpiling food, which is one of the signs. Inmate
5 behavior being weird, visitation increasing, them asking
6 about visitation. Is there going to be visitation next
7 week? Which actually we just got asked that a couple of
8 days ago, "Is there going to be visitation next week?"
9 So we're scared something is going to be happening
10 really soon.

11 Inmates are shaving their heads. That's

12 another sign. When inmates start shaving their heads
13 they all look the same on camera, so it's hard to tell
14 one from another. You see one guy with a shaved head,
15 you see another guy with a shaved head, on those fuzzy
16 cameras like you heard, they're really bad cameras, it's
17 hard to see who is who. So they shave their heads.
18 Visitation this week was extremely high. Mostly
19 Hispanic on just the blue yard.

20 MR. GUENTHER: Why is that an indicator?

21 MS. DAVIS: Because they all want to see
22 their wives and families because they know they're going
23 to be probably locked down for a while and they won't
24 get to see them when visitation goes down. During the
25 IMS for the hostage situation they didn't have

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1 visitation for, what, almost a month.

2 MR. BURKE: Visitation was high right before
3 January 18th?

4 MS. DAVIS: Yes, it was. Only on our yard.

5 MR. BURKE: Only on the Morey --

6 MS. DAVIS: Yes. And they called around this
7 weekend when they were having visitation and they
8 noticed that it was really high, it was almost all of
9 them were Hispanic, and they were all there, and they
10 called around the other yards and the other yards they
11 said that there was hardly any visitors at all. Our

12 yard was packed like it was a food visit, which is
13 another issue.

14 Food visits are really stupid, because they
15 bring in all the drugs in the food because they don't
16 check the foods and they don't have the dogs sniff
17 the -- smell the food or anything like that. So they're
18 just bringing in wads of drugs in, because your man eats
19 the stuff and he's falling in the manicotti with his
20 little red balloon in it. Just food for thought because
21 that's where we're getting all our drugs from on the
22 yard.

23 MR. GUENTHER: Was there an I/R written on
24 the -- that there was some shanks in the yard somewhere?

25 MS. DAVIS: No, no one has written an I/R

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1 because we didn't know there were shanks on the yard.
2 There's always shanks on the yard, it's just a matter of
3 knowing where they are and who's got them, which you
4 really don't know. A lot of times you can't use a metal
5 detector to find them because they make them out of
6 plastic.

7 MR. GUENTHER: We had somebody testify at
8 Lewis that indicated that there was an I/R --

9 MS. DAVIS: I didn't personally hear about
10 it.

11 MR. GUENTHER: -- that there were shanks in
12 the kitchen.

13 MS. DAVIS: If there was an I/R I didn't know
14 about it, and I wasn't aware of it. To my knowledge
15 there wasn't anything that I knew about. But yeah,
16 there's been I/R's written on Coy not being in the
17 kitchen. There was an I/R written that Wassenaar came
18 up to Officer Strickland personally and told him that
19 something was going to go down on that day.

20 MR. BURKE: There's an I/R that Wassenaar
21 told Officer Strickland that something was going to go
22 down on January 18?

23 MS. DAVIS: On Sunday is what he told him.
24 There was an I/R written on it.

25 MS. MORRISON: You've seen it?

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1 MS. DAVIS: No, but I know Officer
2 Strickland, he told me he wrote it.

3 MR. BURKE: You were on duty that night?

4 MS. DAVIS: No, I called in sick that night.
5 I wasn't there.

6 MR. BURKE: Where would you have been
7 stationed if you had showed up for work?

8 MS. DAVIS: They said main control is where I
9 would have been.

10 MR. BURKE: You've subsequently had a
11 conversation with Officer Kelly as to what happened to
12 him that morning?

13 MS. DAVIS: Yes. He's one of my best
14 friends, yes.

15 MR. BURKE: And he indicated to you that he
16 did not see anything inside?

17 MS. DAVIS: He did not. He said something
18 felt kind of weird, but he couldn't put his finger on
19 it, and that's why they were going to the kitchen so
20 they could use the phone to call the tower because they
21 weren't responding to the radio and they weren't
22 responding to the bell.

23 MR. BURKE: So he's indicated to you that he
24 did not see any individuals inside?

25 MS. DAVIS: No.

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1 MR. BURKE: No horseplay?

2 MS. DAVIS: No. That was something someone
3 made up, and he's very upset about it. He said they're
4 making me look really stupid because I never said that.

5 MR. GUENTHER: Did he knock on the window?

6 MS. DAVIS: Yes, he was knocking on the
7 window, he was trying to see inside. He was trying to
8 get someone's attention, because he was down on the
9 ground and he figured they're upstairs and might hear
10 the knocking.

11 MR. BURKE: Why did he knock on the window?

12 MS. DAVIS: Like I said, you're upstairs and
13 someone is knocking because they're not answering the

14 bell, they might have been going to the bathroom, and he
15 was knocking to see if they were okay and maybe they're
16 in the bathroom.

17 MR. BURKE: What lead him to think that he
18 needed to knock on the window?

19 MS. DAVIS: I have no idea. I'm not Officer
20 Kelly.

21 MR. BURKE: It wouldn't be a normal --

22 MS. DAVIS: Like I said, you would think they
23 would be in the bathroom.

24 MR. BURKE: But it wouldn't be a normal
25 activity just when you're walking by to knock on the

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1 window?

2 MS. DAVIS: No. I have no idea. You have to
3 ask him.

4 MR. GUENTHER: There is conflicting testimony
5 on what you could see and what you couldn't see because
6 the lights were out inside the tower.

7 MS. DAVIS: Yeah, it's really dark in there.
8 It's hard to see because the windows are tinted.

9 MR. GUENTHER: If you can't see out because
10 of poor lighting, you can't see in with no lighting?

11 MS. DAVIS: Exactly. That's a big issue.

12 MR. BURKE: Did you ever have any contact
13 with inmates Coy and Wassenaar?

14 MS. DAVIS: Only during business hours. Like
15 Wassenaar has a cocky little attitude. He likes to
16 strut around thinking he's all that. But other than
17 that, I've never had any problems, you know, dealing
18 with him. Except for him walking around in a towel one
19 time. I told him that he had to come out of the shower
20 in boxers or shorts. That it was unacceptable. He
21 liked to walk around primped with his little towel off
22 to the side and strut around like you were just dying to
23 meet him, but we weren't. And so I let him know that.
24 But Coy is -- how do you put that one -- he
25 likes to masturbate all the time in the window while

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1 you're in the control room. He likes to do that like
2 all shift long, and that's the -- that's my only thing
3 with him that I've ever dealt with him.
4 If you try to even confront him about it he's
5 dazed and glazed into a different world. He doesn't
6 even know you're in front of him talking to him. He's
7 just a little strange individual.
8 MR. BURKE: They were working in the kitchen,
9 I assume. Were there any known issues as to whether
10 these two guys should have been working in the kitchen?
11 MS. DAVIS: I have -- I have misgivings. I
12 used to work in the kitchen myself, and they tried to
13 make me a permanent kitchen officer and that was when
14 there was only one person in there and I felt extremely

15 uncomfortable doing it. That's when we had knives in
16 the kitchen, and you know the paddle issue now, they
17 just now recently got locked down.

18 Everything in the kitchen is seen as a
19 weapon, and you got to go out there and lock knives down
20 with inmates standing there behind you. I used to make
21 them get all the way to the other end of the kitchen,
22 and they would get all mad but it's like, you know what,
23 sorry.

24 I don't feel that you should have inmates in
25 the kitchen that have life sentences or violent crimes.

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1 I think they should be inmates that have less than a
2 year, or a year to go, or are victimless crimes. You
3 shouldn't have people in there that have nothing to
4 lose. People in there that are violent. You know, I
5 mean, we have one of the inmates that does sanitation
6 and he comes out and he's extremely erratic. We keep
7 saying you need to get him out of there, get him off the
8 thing, get him out of there. He just sits there and
9 clenches his little fists and giggles into the air, and
10 rubs himself, and just stares at you and makes goofy
11 faces. And then he will eat out of the garbage, and
12 they won't take him out of the kitchen.

13 I mean, you got weird instances where you
14 bring it up to the lieutenants or the sergeants and

15 stuff like that, and they say, "Oh, well, he's not a
16 problem. He's not doing anything." Well, he's not
17 doing his work, either.

18 And you can't like -- when you go to send him
19 home and he's like in there for really violent stuff.
20 He's not a really nice guy, and you don't really want
21 him in the kitchen with all the tools and all the weird
22 stuff going on in there.

23 And ever since all this stuff happened he's
24 acting like even weirder. He's got like some weird
25 little clicks he does now, and it's really strange. And

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1 he makes everybody really uneasy, and he doesn't really
2 need to be in there.

3 You need to get rid of all the staff that's
4 in there, all the inmate staff that's in there, and move
5 some new people in there that aren't violent and are
6 ready to leave, because they're not going to try to do
7 anything stupid, they're not going to try to escape.
8 That's one of our big issues is having the violent
9 criminals in there that shouldn't be there.

10 MR. BURKE: Anyone else?

11 MR. VANDERPOOL: What is a food visit?

12 MS. DAVIS: A food visit is for Level 2
13 inmates, and their families can bring food. They have
14 family bring home-cooked meals, or McDonalds if they
15 want, or little balloons of heroin tucked away in the

16 manicotti, or black tar, or that kind of stuff.
17 They bring in drugs tucked into the food.
18 And the inmate is going to put it into his mouth, and
19 what do they do? They swallow the balloon, correct? So
20 he goes for a food visit, he eats a couple of balloons
21 full of stuff, he takes it out later and sells it to the
22 inmates and he makes cash that way.
23 That's where a lot of the drugs on the yard
24 comes from. The food visits are not only annoying and
25 time consuming, but they're dangerous.

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1 MR. BURKE: Okay.
2 MS. DAVIS: Also during the hostage
3 situation, the security -- I always sort of assumed if I
4 would have been the warden or director I would have like
5 heightened security extremely. We were walking on the
6 yard, people were coming in with cell phones, talking in
7 the middle of the pod on the cell phone. Our bags were
8 not checked. We were not patted down. We did not go
9 through the metal detectors. We did not go through the
10 X ray machines. We signed on a paper. They looked at
11 your I.D. You came in and talked to a camera and said
12 "David 11220, Morey Yard," and you walked away. And
13 that was our security.
14 Now there's a lot of us that are concerned
15 that stuff has gotten through, through some complacent

16 officers that perhaps had inmate relations, or any kind
17 of inmate contact, or a family saying, "I'll give you
18 \$2,000 if you bring a cell phone into my son." We're
19 just wondering what's on the yard.

20 I mean, there could be guns on the yard for
21 all we know. We never went through metal detectors.
22 Nothing. It was so badly done. I'm terrified on the
23 yard now thinking about it, what's on the yard. We just
24 had an officer sliced from here to here (indicating)
25 like three days ago. Are you going to tell me that was

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1 really a radio that hit him? I don't believe it was.
2 What was it? I mean, it could have been a kitchen knife
3 for all we know.

4 They did shake-downs the day after. My
5 roommate works on day shift. She said by the time she
6 was finished with one cell search that the team of
7 people said the whole building was done. That's not a
8 cell search. You're not doing your job if you're done
9 with one cell search and everybody -- the team of I
10 don't know how many, finished a whole entire building.
11 That's scary. That's complacency. That's going to get
12 someone killed, because we don't know what's on the
13 yard.

14 We should have a dog on every yard. We have
15 dog people. There's six dogs. Why don't we have a dog
16 person that's on staff and they work the yards so that

17 the inmates know that at any given time there's going to
18 be a dog running through their pod.

19 We have a dog on the yard at all times. Why
20 do we have them locked up in a kennel where they never
21 do anything? They should be on the yards actually being
22 utilized. We're paying for them. I mean, these guys
23 have the training for it, to work with the dogs, why
24 don't they have someone posted on every yard that works
25 dogs? Someone for every shift that's trained in the dog

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1 training thing, and they can run around and just do
2 random searches with the dogs. It makes more sense.
3 You know the dog is not going to be complacent. You
4 know, they don't really care. It's not like, hey, I
5 really like that guy. Okay. The dogs aren't going to
6 be complacent.

7 (Laughter)

8 MR. VANDERPOOL: How often do you run the
9 dogs through?

10 MS. DAVIS: They never do. I have seen the
11 dogs once. I have been there three years and I've seen
12 the dog once on the yard. And they usually have them at
13 visitation, at the beginning, they have the dogs smell
14 all the visitors coming in, and you, and they go. And
15 the people go on. That's all they do basically.

16 The dogs don't ever go on the yards hardly.

17 I have never seen them on our yard but once. That was
18 during like a quarterly search.

19 The inmates always know when the quarterly
20 searches are so they know where to hide their stuff
21 because they know where we search. They watch you do a
22 cell search. They know that a lot of people don't look
23 in the legal boxes so they hide their stuff in the legal
24 boxes, because the legal box is tedious and you got to
25 sit there and look through all their stuff, the

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1 photographs. You can hide stuff in there. They watch
2 what you do. They watch where you look, and they know
3 what officers do what.

4 MR. BURKE: Any other questions? Any other
5 comments?

6 MS. DAVIS: Oh, I still got more. I'm
7 speaking for our whole shift is why I have a lot more
8 stuff.

9 We have flashlights and we need them to do
10 our shift, but they don't work. So how are we supposed
11 to check and see if an inmate is living or breathing if
12 we don't have batteries that stay working for more than
13 15, 20 minutes? We never have flashlights with
14 batteries.

15 Inmates don't look like their I.D.'s anymore.
16 We have inmate I.D. cards that are cracked in like four
17 or five pieces laminated together so you kind of see

18 like this jumbled look of a mosaic guy. And unless he
19 like cuts his face in five pieces you're not going to be
20 able to tell if it's him, and his hair looks different
21 anyway.

22 They took a picture of him when he first
23 comes in, he's got a ten-year sentence, he's been in for
24 eight years and he still looks like he's 21. It's
25 really hard. You're supposed to do a face to I.D. I

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1 can tell you right now, you can do a face I.D. all you
2 want and they don't look like themselves. You can look
3 at him until you turn blue in the face and he's not
4 going to look like the same guy. It's hard to tell.

5 Why don't we use timecards? All this
6 penciling in and writing in your own thing, and a lot of
7 people making up times, why don't we just have time
8 cards? Why are we so archaic where we have to like fill
9 it out by hand and have to have our sergeant sign it?

10 Why don't they have the main control, you
11 pull the I.D., you grab their card, you punch it,
12 they're in instead of having to do the extra paperwork
13 of punching them in, and then writing that they're
14 onsite. Because nobody writes the right time they're on
15 site anyway. They just do a general blanket of 620,
16 1530. They don't write the exact time because you don't
17 have time, because you're the only person at the main

18 control and you can't flip through all that, look for
19 the thing and write it down, so you usually write a
20 general blanket time. So it's not accurate anyway.

21 The only thing it's going to do is tell you
22 whether that person was on shift or not. I don't
23 understand why we don't use time cards, just like
24 something that already has the time set, everybody is on
25 the same time schedule.

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1 If I look at my watch, I say "oh, I've been
2 here three hours," and someone looks at their watch and
3 says "No, you've been here for two and half hours."
4 Everybody's watch is different. What watch are you
5 going by?

6 The clocks in briefing are different than the
7 ones in main control. And every housing unit everything
8 is different. Nothing is ever on the same schedule. So
9 it's just kind of a problem.

10 Our mace doesn't work. You heard that.
11 Officer DeBach (phonetic) was in the chow hall when Coy
12 accosted her, and she sprayed her mace and it went
13 "puff," a little puff of powder. And then Kelly grabbed
14 his and sprayed it, and it went off to the side.

15 So when I heard that I shook up mine and it
16 took me six times to get mine to work. Half our
17 equipment doesn't work, and the rest of it is out of
18 date. I had mace on me for a year that was out of date.

19 I was a year out-of-date and I carried it around for a
20 year because I was told we don't have the money to give
21 you another one.

22 I did not get it exchanged out until
23 recently, when they changed them out to the cone ones.
24 And the cone ones don't work, either, which is a real
25 big problem since that's our only form of defense other

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1 than that, unless you're holding a dead flashlight in
2 your hand or a broken battery with a broken radio.
3 That's the only line of defense, and those aren't real
4 good lines of defense, quite frankly.

5 It's like we got to have something else. The
6 LE-10's like where you have to actually pull the pin and
7 you have the trigger or something, those tend to work.
8 We need something better than the things that break or
9 they're always breaking.

10 MR. GUENTHER: You don't have LE-10?

11 MS. DAVIS: We have LE-10, but it's a little
12 three ounce that you have to push a little nozzle thing
13 and you have to hit the safety, so you go (indicating).
14 So you have to figure it out. By the time you do that
15 you're down on the ground.

16 MR. BURKE: Larger canisters of LE-10?

17 MS. DAVIS: You have the larger canisters of
18 LE-10, it has a trigger and it has a pin you pull. We

19 have those in our tower. But from the tower I'm not
20 quite sure how that's supposed to reach anybody on the
21 ground. I'm not sure why that's in the tower. We have
22 a couple of extra cans of the little mace, too. I'm not
23 sure why that would be in the tower, either, because
24 you're going to sit there and spray that down and it's
25 not going to do anything.

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1 MR. GUENTHER: In case the inmates come in
2 the tower.
3 MS. DAVIS: They shouldn't be in there,
4 though. That's what my gun is for. We also have people
5 that are like -- we have some C.O.'s -- it's brought to
6 the attention of some of the supervisors through other
7 C.O.'s that they're talking to inmates thinking he's a
8 really nice guy, and he's a wonderful person, and
9 they're not being pulled off the yard. They're being
10 sent to the other side of the yard and told not to talk
11 to them, or they're just being left alone, oh, that's
12 not a big deal. Well, that's how weapons and drugs come
13 into our yards, and that's how people get compromised is
14 by thinking that the inmate is a really nice guy, he's a
15 good boy, he's just misunderstood.
16 The leader of the Arian Brotherhood is not a
17 nice guy. He's not misunderstood. He's an inmate. And
18 the supervisors need to start taking things like that
19 seriously when we bring them up to them.

20 I/R's are written and they're getting
21 ignored. It's not good. I don't feel safe on a yard
22 where people think that the Arian Brotherhood is a nice
23 guy. It's not a good thing.
24 The classification system, quite frankly,
25 blows. I'm sorry. You come in as a five you should

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1 I leave as a five. Wassenaar and Coy were what, fours or
2 fives when they came in? You're a violent rapist and
3 you're an aggravated assault, I'm thinking a four or a
4 five.
5 Why are they two's now? Because they sat
6 there and bided their time until they could get everyone
7 to trust them and think oh, they're okay, they're okay,
8 they're okay, and then they strike. That's when it
9 always happens. The guys that do that kind of stuff are
10 guys that drop down the classification levels.
11 You should be able to get extra earned credit
12 time, you can get an early release date for being a good
13 little boy, but you should not be able to drop your
14 security level. Your security level should stay the
15 same.
16 If you're capable of violence when you come
17 in, you're capable of violence while you're in. Like
18 Wassenaar saying, "You can polk an animal with a stick
19 long enough." No one pokes him with a stick. We do

20 everything but sing him lullabies at night. These
21 inmates get treated so much better than we do half the
22 time that it's ridiculous. So there's no stick poking
23 going on.
24 It's like he's a level two now, and he came
25 in as a violent person. He's still a violent person as

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1 we've seen. You can't change the nature of somebody.
2 You can't rehabilitate someone who hasn't already been
3 habilitated. He's not a habilitated person, so you
4 can't redo something that he's never had done to him.
5 He's always going to be the way he is.
6 Coy is always going to be a serial rapist
7 because that's who he is. I've seen him just sitting in
8 the control room and he's sitting there doing that, and
9 looking at me, and it's like yuck. He wants to get out,
10 and they're going to let him in a position where there's
11 female staff that aren't even trained, the white shirts
12 in the kitchen are not even trained on inmate relations
13 or anything like that.
14 You take a couple of 15-minute modules,
15 someone reads it off an overhead and you're trained,
16 basically you're certified. Go. It doesn't work that
17 way. That's where we mostly get compromised is through
18 the white shirts. We need to stop having white shirts
19 in the kitchen. We need to have uniform staff running
20 the kitchens because you have too much stuff going on.

21 I mean, in the last few years we've had
22 probably about five or six instances where female staff
23 have been compromised by inmates, and they just take
24 them off and send them to another yard, or they just
25 take them off and it's no big deal.

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1 MR. BURKE: Five or six instances at the
2 Morey Unit?

3 MS. DAVIS: Yes, in our kitchen with the
4 white shirts. Sex, things like this. Yes. It's
5 bringing in drugs, bringing in alcohol, that kind of
6 stuff. I'm not exactly sure on the numbers, but there
7 have been -- I'm telling you, because I used to work in
8 the kitchen. They leave the I/R's lying on the table.
9 The inmates are reading it.

10 There's another thing about inmates reading
11 things. We have our phone numbers up in main control.
12 Why are they not in a sergeant's office under lock and
13 key? Because I've had people call and had dirty phone
14 calls on my phone quite frankly, and it's quite
15 disturbing that you recognize it's a voice from someone
16 on the yard, and you're not sure who it is, and it's an
17 officer.

18 People don't need my phone number, they don't
19 need my address, and they don't need my Social Security
20 number. My paycheck does not need to be in main

21 control. The sergeant should give it to me. My phone
22 number, if somebody needs to call me, it should be done
23 by a sergeant or a lieutenant.
24 I don't like the fact that a C.O. has access
25 to my phone number and all my information. I don't like

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1 that. Because they leave it open while they're doing
2 something in main control, they leave it open and they
3 start doing their opening the door and here comes the
4 porter. We've had porters that said that to us. "Oh,
5 you live over by so-and-so because the first three
6 numbers of your phone number are the same. I saw your
7 name and address in the phone book in the book up there,
8 you live over by my mom." Unacceptable. It should not
9 be up there. It should be under a sergeant or
10 lieutenant.

11 And every time I bring it up I'm being
12 stupid. I'm stupid, then, because I don't want anyone
13 to have my phone number or my address. And then they
14 get mad because I won't keep giving them my new phone
15 numbers because I have to keep changing them.

16 I don't want someone just calling my house in
17 the middle of the night to see what I'm doing. If I
18 want you to call me, I'll call you first, and I'll give
19 you my number if I want you to call me. That's another
20 issue, we're getting sick of that, too.

21 Videocameras, no one knows how to work them,
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22 they don't work half the time, and we can never find
23 tapes for them. We never have tapes, we never have
24 batteries for them. The battery is always going dead.
25 The batteries is another issue on those. Nobody teaches

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1 you how to use the videocamera, so how are you supposed
2 to respond to an IMS and start filming something if you
3 don't know how to use the camera.

4 You have inmates in porter positions that are
5 high control escape risk. Inmates in no man's land up
6 front doing stuff where they're not supposed to be.
7 These are red flag inmates that are like red flag
8 because they have attempted escape, or they're high
9 escape risks.

10 We got an inmate that does yard work on our
11 yard, Jolliker (phonetic). He's already tried to
12 escape, he's the one that went to the dumpster that one
13 day with Coy.

14 AUDIENCE: Why do we have two people that try
15 to escape with each other just separated by a mesh
16 fence?

17 MS. DAVIS: Exactly. We have inmates that --
18 Coy and Jolliker both tried to escape together.
19 Jolliker is up front, he's a trusted inmate, he does all
20 the watering, and people just sit there and kind of
21 watch him. He's in no man's land. It's just a jog

22 right on out the door.
23 Just like the barber thing. We're down a
24 shoeshine now because we had SMU staff there the other
25 day and he turned on them when they tried to cuff him.

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1 So they threw him to the dirt and he's at SMU now. Now
2 we have a porter position open for a shoeshine.
3 What happens if the shoeshine porter is one
4 of those high risk inmates and he decides to befriend
5 the barber and when you're out there getting your
6 haircut, a lot of times the shoeshine porter will stand
7 there and talk to the porter while he's cutting your
8 hair. You got that guy in there, and then they take and
9 whack you in the head with the big box. They take your
10 uniform, your keys that let you through things, because
11 you probably have one of the yard sets, and you have a
12 key that will get you through the visitation gate,
13 through the no man's land gate, and out the front door.

14 All you do is ring the bell, the person in
15 main control she may be so busy, or he may be so busy,
16 that he's not noticing, or sometimes you leave that gate
17 open because you forget it because you're so busy, and
18 out the door and down the road he goes in a C.O. outfit.
19 What's to stop that from happening? But I'm stupid
20 because I think the barber thing should be watched.

21 MS. MORRISON: You said you think you're
22 stupid?

23 MS. DAVIS: They think I'm stupid because I
24 brought up the issue about the barber being back there
25 with no visual on him.

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1 Our PPE's, why can't we have one of those
2 breathing bags onsite to where if an inmate goes down --
3 because quite frankly, they've all got FCRA's, 95
4 percent of them do, and their drug use is not my death
5 sentence. And our PPE is not a one-way valve. They say
6 it is, but it's not. If he's going to do some
7 projectile vomiting it ain't going to stay -- it's not
8 going to stay out of my eyes, I can guarantee you.

9 Why can't we just have those bags? They're
10 like what, 20 bucks a piece, you can't buy six of them
11 and put them on the whole unit? It's really not that
12 expensive. I'll buy one if we can bring it on the yard.

13 We don't have -- we get 15-minute modules on
14 how to clean up a spill and it tells us you're supposed
15 to do it a certain solution of bleach and water. We
16 don't have bleach on the yard. I've never seen bleach
17 on the yard. So our 15-minute module is kind of stupid
18 if they're not training you with the equipment you
19 actually have.

20 We had a sergeant and two C.O.'s going into a
21 cell where the inmate had Hep C, cleaning up his feces
22 and his urine and everything else. Now, you're not sure

23 whether there's blood in his feces, because I don't have
24 a microscope, and I'm not going to check. And I had to
25 call complex and ask them to have someone bring down

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1 some Hep Time (phonetic) because we didn't have any, and
2 they were already in the cell cleaning without any
3 protective gear, nothing on their shoes, nothing. So I
4 complained and they finally got these little bio-hazard
5 bags.

6 But the gravel, what am I supposed to do,
7 throw the gravel at the wall and hope it sticks to the
8 feces? It doesn't work that way. I mean, that's for a
9 blood spill or that's for a liquid spill. He had
10 flooded the run.

11 Do you know how many bags you would need to
12 pick up all of that? And the drain in the middle of the
13 Isotell (phonetic) area was plugged up. I got a
14 sergeant knee deep in urine and feces trying to plunge a
15 drain with no protective gear on.

16 That's to me -- and they're telling me, oh,
17 no, you have to do that. No, I won't do that. I will
18 not risk my life. I'm not going to bring that home to
19 my children. I'm a single mother. My kids need a mom.
20 I don't see anybody else that's going to raise my kids
21 if I wind up dying from Hep C or AIDS because the
22 Department isn't going to give me the proper equipment
23 to clean it.

24 We need classes and we need people that will
25 actually clean it. We don't need staff doing that. I

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1 shouldn't have to come home and have to go and buy
2 another outfit -- another uniform because I had to burn
3 the last one because it's covered in inmate stuff
4 because I'm not throwing that in my washer. I only get
5 \$60 a month to go and buy new stuff which I wind up
6 putting towards my bills because I can't even afford
7 medical. They need to have some kind of training on
8 that.

9 Intercom buttons on the inmates' cell, they
10 push it, it rings a bell, you can't talk to that inmate.
11 Why? Why can't we close their cells? We can't
12 physically close them because you actually have to go
13 downstairs. Well, if there's one inmate and there's one
14 person in the control room and he's still ringing his
15 bell, you, by policy, can't open that door, and the
16 inmate is ringing.

17 He can be dying of a heart attack, but I
18 can't open that door until I have two officers present.
19 I don't have two officers present because I don't have
20 two officers to go there. We are so short staffed. How
21 am I supposed to get two officers down there to open his
22 door and then all he's going to say is, "Can I have a
23 phone call?" Or "Can I have this?"

24 We need to have an intercom system to where
25 we can actually talk to them. They have the button,

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1 it's all ready to go. They cut corners and so -- like
2 the corner of the building of the place so now we have
3 no way of talking to the inmates. If he rang the bell
4 and I said, "What do you need," and then he asked me for
5 something and I could deal with him that way. Then I
6 would be able to tell if I need to get two staff down
7 there to open the door.

8 You can't just pop open the door because then
9 he comes out and slides a rig under the door and gives
10 it to someone else. Oh, thanks. Closes the door. And
11 you're stuck by yourself because there's an IMS. You
12 know, it's crazy.

13 They need a window tinting in the control
14 room. Inmates shouldn't be able to watch you watch
15 them, because if they see you watching them then they're
16 not going to do what they normally do and you don't
17 catch them. They're going to see what you're watching,
18 or they see what you're doing or they see which way
19 you're looking. So when you're looking over here
20 they're doing something over here. They distract you
21 over here, talk to you, and they're doing something over
22 there. They know this. They know what's going on.

23 The cell doors can be U.A.'d -- Unauthorized
24 Access. They kick it hard enough they can open them.

25 This is the Level 4 and the Level 5 doors. You kick

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1 them hard enough and they will open.

2 There's no cameras in the kitchen. Kitchen
3 cameras have been on order for over a year. Why aren't
4 they there after over a year? We put a work order out
5 for our cameras for over a year. This wouldn't have
6 happened if we had cameras.

7 We have executives making up policy that have
8 never worked a yard. They're coming up with policies
9 saying do this, do that, and have never been on a yard.

10 We have got sergeants that have a year's
11 degree in business so they got to be a sergeant in a
12 year. They have no idea what's going on in the yard.
13 And you got people that are just not trained and they're
14 trying to make policy and telling you what to do.

15 It's like I've worked on that yard for three
16 years. I've worked swing shift and graveyards. I know
17 all those inmates, I know when they're acting weird, I
18 know what's going on, I know when something's up, but
19 they won't listen to you because they'll say, "Well, I
20 don't feel that way." Well, you just came from another
21 unit, you don't know, you're a new sergeant, you're from
22 another unit, how would you know what this inmate acts
23 like.

24 My second day on OJT, I was on a Level 4

25 floor all by myself. And I said, "I don't know what I'm

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1 doing." They said, "That's okay, you'll figure it out."
2 I figured it out, all right. It's like, you know --
3 then a lot of people were concerned because the director
4 never came to our yard and spoke in our briefing to the
5 graveyard staff about what happened. Never sat in the
6 briefing room and actually let us talk to her and find
7 out what was going on.

8 And I'm going to close now. All they have
9 done is cut corners and made us have bigger safety
10 issues. They're cutting corners, we're cutting safety.
11 They need to start giving us the equipment we need to do
12 our jobs or we're going to wind up dead.

13 MR. BURKE: Let's take a break here.

14 (Short recess.)

15 ROBERT DUPEE

16 MR. DUPEE: Good afternoon. My name is
17 Officer Robert Dupee. D-u-p-e-e with an accent over the
18 last letter. It looks like Doopee (phonetic). Good
19 afternoon, board team members, and my family brothers
20 and sisters.

21 First I would like to bring up -- I only have
22 two things I want to bring up. But let me give you a
23 little bit about me. I've been with the Department for
24 almost four years. I left and came back. I worked
25 with -- I did work for Sheriff Joe Richards up in

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1 Coconino County. I currently teach self-defense, and
2 I'm also a physical fitness guru.

3 The two topics I want to bring up are
4 obviously self-defense and physical fitness. I'm going
5 to give you the pros and cons of both.

6 Self-defense, this is an issue with a number
7 of my self-defense instructors. We do not meet the same
8 standards as post -- Arizona post. Our curriculum has
9 diminished dramatically since I've been with the
10 Department. It went from a week-long seminar -- or a
11 week-long training session, to a three-day session, to
12 now just a two-day session with plans on making it an
13 eight-hour block of instruction that is totally
14 unacceptable in this line of work as you guys can tell
15 of the situation that happened at Morey.

16 The things I do propose in the self-defense
17 curriculum is obvious. Make it the same. Make it the
18 same across the board, law enforcement all the way.
19 Give us the tools, give us the training to where we can
20 take care of our own.

21 I'm a firm believer that if the situation
22 were to be in reverse, if we were to have the
23 instruction and the technical know-how to teach these
24 two officers that were up in our tower, after Auch --
25 Officer Auch was hit with the paddle, I do believe that

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1 she could have feasibly taken care of business with the
2 proper training.

3 If I were to line up one of my cadets, COTA
4 cadets from this Department along with a cadet from the
5 Phoenix Department -- Police Department, and put a man
6 twice my size up against them, my cadet would not win.
7 Same body structure, same everything. I firmly believe
8 that because we're not giving that individual, nor any
9 male, the training, the proper training.

10 THE AUDIENCE: What about females?

11 MR. DUPEE: Same with females. Either one.
12 Both female or male. I believe that females and males
13 should have the same training, same curriculum with the
14 law enforcement as in post.

15 Physical fitness. Most law enforcement
16 agencies have a physical fitness guideline that they do
17 every year annually. I wish to God we can have that.
18 If we can have that we would have a stronger, unified
19 cohesive unit. Because we would know that my partner,
20 who is downstairs, would be able to run upstairs without
21 wheezing and hacking to save me.

22 I believe that an annual -- along with the
23 annual training as you guys have been hearing through
24 the board, or from our fellow officers, along with that
25 we should have a physical fitness standard based on your

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1 age, just like we have at COTA, both male and female,
2 after a certain time.

3 Say, for instance, the next class -- within
4 the classes that are coming up at COTA, I think class
5 number 700 is coming up, from 700 back is grandfathered
6 in. All of us that -- or excuse me -- before 700 are
7 all grandfathered in. If we want to do it, we can. And
8 give an incentive. The incentive being maybe an
9 eight-hour day off free, not annual, not comp. Free.
10 I'm just throwing it out there. Maybe we can work with
11 this.

12 From 700 beyond that, after that, make it an
13 annual thing no matter what. Make it a constant. That
14 way once we retire then everybody is going to be back in
15 the same sheet of music.

16 So in conclusion, I thank you again for
17 letting me stand up here. I just wanted to bring those
18 two things up because those are a big issue on my part.

19 MR. VANDERPOOL: Besides this suggestion on
20 the post standards, perfect world, you get to call the
21 shots on the type of physical training, physical --
22 especially defensive tactics training that would you
23 like to see, and how and what type of equipment you
24 would like to see the correctional officers issued in
25 carrying, can you help us out on that?

1 MR. DUPEE: Well, in any correctional setting
2 any weapon can be used, either the weapons that you
3 carry or the weapons that they carry. If I were to
4 carry pepper spray it can be used against me, along with
5 my radio, as you well know.

6 We are officers that are trained -- I train
7 officers to keep a distance from an inmate. So within
8 that, I believe that we should also implement some sort
9 of riot collapsible baton, possibly that we should
10 implement some sort of tazer device.

11 At County -- when I worked for Coconino
12 County we had tazers, and we used them. Inmates would
13 walk right next to us, but we were able to keep an
14 inmate off our weapons at all time. Along with post
15 certification we were taught how to keep our weapons in.

16 Within our curriculum -- our curriculum was
17 self-defense for this Department through COTA, we have a
18 weapons retention program. But again, I say we are
19 dwindling, our curriculum is dwindling, and who knows
20 how long that's going to stay in effect.

21 Within the weapons retention we can implement
22 some sort of weapons retention when it comes to our
23 pepper spray, our radio, our collapsible baton, and also
24 our tazer if need be. I do believe that's what we need.

25 MR. VANDERPOOL: Thank you.

1 MR. BURKE: Thank you.

2 MR. DUPEE: Thank you.

3 PAUL HINOJOS

4 MR. HINOJOS: Good afternoon, panel. Thanks
5 for having me here. And I appreciate the fact that it's
6 getting late. I'm going to kind of condense it. My
7 name is Paul Hinojos. H-i-n-o-j-o-s. I'm a C.O. 3,
8 non-uniform officer, been with the Department about 25
9 years, and I want to say a little bit about myself and
10 then the four main issues.

11 I have been a police officer, detective,
12 assigned to DEA, and in 1975, for reasons, I came out of
13 that business thinking that I was going to work with
14 kids. I went to a wrong institution. They told me they
15 moved the kids, and they recruited me to stay. That's
16 before COTA. That's how I started my career in adult
17 corrections.

18 There was about six people there in the yard
19 that had sold heroin to me, and that was a difficulty in
20 itself. What I want to say now is going to be unpopular
21 for some people, but I remember a time that we worked
22 without radios, so I guess we go from no radios to
23 broken radios.

24 I remember a time before we had mace that we
25 had our mouths. Communications were high. A lot of

1 people came to this Department, I remember the time I
2 was given about 200 bucks a pay period, we came here
3 with common sense and a little bit of age. We didn't
4 have COTA. We didn't have training. We didn't have
5 standards. But there was a lot of old people that I
6 would put up against any of my peers with DEA or with
7 the PD.

8 I remember a time that I used to ridicule
9 people that were guards when I was a cop because we
10 didn't have much respect for them. We thought that they
11 were people that basically couldn't hack this side of
12 the aisle so they went on the other side. But, of
13 course, my opinion has changed tremendously in the time
14 I've been with ADC.

15 I have a nine-page report that I'll e-mail
16 the panel that will make my points on understaffing and
17 being undermanned.

18 The training we have is not adequate, and the
19 people like myself in my series are often put in
20 inappropriate places. I, too, have worked the Morey
21 Tower, the very place where this happened. I started
22 Morey after I left the Department and restated and came
23 back.

24 In July of 1999 through October of 2000 I
25 worked the Morey yard. I remember a time we worked

1 there with no inmates before they were transferred from
2 Winslow, and I remember a time when they came in.

3 I remember female C.O. 3's working the tower
4 by themselves. I remember male C.O. 3's working the
5 tower by themselves. I worked that post in the dark and
6 in the daylight. And I won't get into the -- obviously
7 that place is darkened, it's a very hard place to watch.
8 I would just be duplicating other testimony.

9 But the thing that I found to be very
10 substandard was the fact that because I, a C.O. 3, was
11 good enough to be a body, and shown how to use those
12 buttons to access those gates. But, of course, I
13 couldn't access those weapons. It's just as well,
14 because I didn't have any post orders or know exactly
15 when you would have to shoot. But the thing is I was
16 very effective. I was nothing but a body, a monkey with
17 buttons. Very unacceptable situation. But that was the
18 case that happened in 1999 and in 2000. And I hear now
19 testimony of things that have been happening up to this
20 point.

21 My report is going to talk about how the
22 legislature has appointed two former directors without
23 any correctional experience. Though, like myself, they
24 were ex-police officers who worked for DPS and they came
25 here because we had a delegation of corruption in the

1 director's office, and when he was bounced out they
2 brought in two people that had no experience in
3 corrections.

4 MR. BURKE: Who are those two?

5 MR. HINOJOS: Stewart and Lewis. And they
6 created, I'll give them an "A" for effort, they created
7 an academy to bring up a standard, but they brought up a
8 police academy. We became a police department
9 subsidiary.

10 And the officers that are working here since
11 1985 that have never worked in law enforcement before,
12 and have never worked in corrections before, might think
13 that that academy is appropriate, but I'll tell you I
14 remember a time that we were a blend, a hybrid between a
15 helper and a cop.

16 When I was a police officer on the streets
17 taking bad guys from the streets that were selling
18 heroin to me, I wasn't being a helper, I was being a
19 cop. And there's a vast difference between being a
20 police officer and being a corrections officer. There
21 are similarities, but I tell you that after 1985 the
22 training has been to be a police officer, and
23 communications has gone down.

24 I believe in being a cop, but unless I'm in a
25 strong situation I'm a cop on the back end, not on the

1 front end. My presence is enough. They know what I
2 represent. But unfortunately because we have a history
3 of improper training, people think that that flashlight,
4 that that radio, that that spray is going to get you
5 over.

6 And I remember a time that Mr. Rollins and
7 myself were at the Riely Unit there where I worked with
8 Deputy Warden Brine (phonetic) and there was a big
9 melee, a big disturbance, shovels and things being
10 thrown around in a fight, and I remember that he went
11 towards one group and I went towards the other. Now
12 they train you to run. We had communication skills, we
13 had credibility, Mr. Rollins was able to separate the
14 Blacks, I was talking to the Native Indians and the
15 Mexicans.

16 No shovels hit us, and I'm not saying that it
17 couldn't have happened. I'm saying that he was a
18 straight shooter. He was ADW at the time. I was a
19 straight shooter, top of the CPO over the program
20 officers, and then we became corrections officers. I'm
21 saying that communication skills -- I went to COTA, I
22 was second in my class academically, I looked at that
23 curriculum and that curriculum was a joke. It was easy.

24 I tutored about 10 or 15 people that were
25 struggling. Yet when I had a problem with my Achilles

1 tendon I almost became a wash-out coming back to the
2 Department, because my physical presence and fitness was
3 more important than my mind.

4 And I remember being a little bit
5 intimidated, and I made my times on the first week, and
6 the fifth week, and on the seventh week I was told if I
7 didn't make my times I would be a wash-out. And I
8 remember going to a sports authority and buying some
9 braces, strapping them on my ankles and running those
10 three laps and almost not making my time. And I came
11 very close to being a wash-out because I wasn't going to
12 be physically fit.

13 At 54 I'll tell you what I went through. I
14 went through everything physically just fine. So I'm
15 going to give the floor to somebody else. If you have
16 questions, I'll certainly answer them. But I'm very
17 passionate about how this Department has gone since
18 1985. And so we don't have a bunch of inmates just
19 waltzing into a tower, we have some structural things
20 that are wrong in this Department, and we have a
21 director that has experience and understands her field,
22 and if the politicians would give her time to try to fix
23 that, I think that we could get in the course where
24 maybe we will not be in the international spotlight as
25 much as we have, because the mind of a corrections

1 officer is a heck of a lot more powerful than that radio
2 in his hand. Thank you. I'm done.

3 MR. GUENTHER: Thank you for 25 years of
4 service.

5 MR. HINOJOS: Well, sir, it's been a good
6 run, I'll tell you. I've been very proud of those 25
7 years. And I have worked with very fine corrections
8 officers. I will put them up against DEA, the guys I've
9 worked with, the Phoenix PD, because they have
10 integrity, they have a mind, they have commitment.

11 But what we have is a tired broken department
12 with a lot of people -- the last point I'll make is the
13 50/50 we talked about. It's unconscionable for people
14 that are living from paycheck to paycheck having to wait
15 for 50 percent of their overtime pay, okay, until down
16 the road when they need it right there.

17 My supervisor is about ready to retire. A
18 very fine man that he is, working in this mental
19 hospital. By the way, working at the mental institution
20 here we have fine nurses and fine doctors, and Louis has
21 been working here for almost 20 years, and I'm
22 embarrassed to say that I think I make more money than
23 him.

24 All my pay has stopped. My increases have
25 stopped since the '80s. But back when we worked with

1 professional people, and I worked real hard, they made
2 sure that I got my pay raises. But in those two
3 directors it had stopped. But I'm pretty topped out as
4 a C.O. 3, and if I have a supervisor like Louie that
5 makes less money than me, hey, there's something wrong
6 with this wagon.

7 MR. BURKE: There's been comments by some of
8 your colleagues with regards to the Lewis facility, that
9 it's location was poorly chosen, that it's structurally
10 flawed, that it grew too quickly, too largely. Any
11 thoughts on that?

12 MR. HINOJOS: The quick thought is this:
13 This Department has been more interested -- and, of
14 course, the whole criminal code was done a certain way,
15 the discretion was taken away from judges and given to
16 the prosecution, and what we got involved in this state
17 is to create more houses for many, many, many inmates.

18 And I will tell you that we never thought
19 about how we're going to man those places, how we're
20 going to appropriate the money, how we're going to
21 refine our act. We never did any of that. All we did
22 is -- I guess somebody had some land out there by
23 Buckeye and that's where we built it, and I'll tell you
24 that we have a history of doing stuff like that.

25 And some lady talked about being in a van

1 pool. Fortunately I had a car, but from Central Phoenix
2 to Lewis and back in one year I put 25,000 miles on my
3 car. That \$5,000 stipend they talked about, when you
4 start putting a car together and take the depreciation
5 out of it, you have nothing left.

6 I never talked to any officers about that
7 because it's not my job to discourage people. If I
8 can't encourage you I'm going to leave you alone. But
9 I'll tell you I felt very sad to find that we have
10 people that were running for the \$5,000 stipend when I
11 knew that they were going to burn up their horse.

12 We have a history of not appropriating enough
13 funds in this state for fine ADC officers, and it's a
14 real embarrassment. I'm not speaking for myself. I'm
15 fine. Thank God I have a supportive wife. But I'll
16 tell you some of these guys and gals that are working
17 for just one paycheck, they are living literally
18 paycheck to paycheck.

19 MR. BURKE: Thank you, Officer. You
20 indicated you have your report, you're going to e-mail
21 that to us. Do you have a hard copy?

22 MR. HINOJOS: I have a nine-page report that
23 I'll e-mail to the panel.

24 MR. BURKE: Okay.

25 MR. GUENTHER: The e-mail address is -- it's

1 up here on the wall behind you. It's all small letters
2 "Blue Ribbon Panel at ADWR dot State dot AZ dot U.S."
3 There's one on the sidewall there, too. Feel free to
4 e-mail us. That comes to my office and I re-distribute
5 them to the panel.

6 If you feel the need to, you can respond
7 anonymously. If not, feel free to sign it. Again
8 there's no retribution in this process. If there is we
9 will deal with that as it comes. So feel free to
10 encourage your fellow officers to use the e-mail address
11 as well. Thank you.

12 DWAYNE NOFFZ

13 MR. NOFFZ: Hello, my name is Sergeant Dwayne
14 Noffz. N-o-f-f-z. I'm from the Winslow Apache Unit
15 between Springerville and St. John. I got one officer
16 from my shift here. I'm going to touch on a couple of
17 things real quick that some other people mentioned.

18 You guys have talked about metal detectors
19 and finding stuff. I agree absolutely with the one lady
20 back here, get the gravel, get the sand, get the
21 whatever off the yards and concrete them. Because when
22 you go burying contraband up against the curbs, which is
23 where the inmates do it, your metal detectors are
24 ineffective because you got rebar in the concrete.
25 You're going to be digging up curbs your entire shift.

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1 Quarterly searches. I got ten years in as of
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2 this last Valentine's Day. And when I started quarterly
3 searches it would take about 16 hours -- 14 to 16 hours
4 a day. They're done in less than an entire shift. Now
5 it's shifted to how many hundreds of inmates we can get
6 done per hour.

7 I have been told by team leaders in prior
8 searches when my partner and I have a pile of tattoo
9 stuff and all kinds of paraphernalia on the desk I've
10 been told, "Leave it, we got to go. They're at the next
11 housing unit. We have to go." That's not right.

12 You put the inmates back into the cell with a
13 pile of contraband sitting on their desk and have a nice
14 day.

15 The pay raises real quick, somebody mentioned
16 the pay scale. The eight-year thing with the C.O.'s.
17 They also touched at the supervisors. They said they
18 don't want to promote because you don't have anything
19 once you promote and that's very true. You can't --
20 once you go to a sergeant, lieutenant, captain, or
21 something you cannot hit the top of the pay scale except
22 for legislatively approved half a percent raises, a
23 thousand dollars here and there. You won't hit the top
24 of the pay scale.

25 I would like to see merit raises come back.

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1 We used to have those. My officers tell me, you hear it

2 all the time, pay censors don't mean anything, there's
3 no money attached to the pay, so what do they mean. I
4 look at them very seriously. I try and explain to my
5 officers that that tells them what I think of their
6 performance. They don't care about it because there's
7 no money attached to it anymore.

8 They used to try get good pay scores and they
9 went beyond what they do now. When there was money
10 attached to it we got better performance.

11 COTA, I'm not going to get into the
12 curriculum. I got some numbers here and they're kind of
13 averages. I'm not a state bean counter, but we are
14 roughly shoving about 2000 people a year through the
15 academy, not all of them are going to units. For a
16 department that, what, has 6,000 employees where these
17 people going here? That's a huge amount of money to be
18 throwing out the window when we're not retaining them.

19 I'm guessing based on what I've seen that
20 they start 35 to 45 people every week for 50 weeks a
21 year. If you -- assuming you graduate 35 a week, that
22 comes out to 1,758 cadets at, the last figure I heard
23 was \$16,000 apiece. That's \$28 million.

24 Everybody is looking for money to give us a
25 raise. How about cutting that COTA in half? Run it

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1 every other week, take \$14 million of that and pump it
2 into some raises. Do that for, say, two years in a row

3 and then look at your retention and your loss rates.
4 You're going to find out that they're going to go way
5 down.

6 Staffing minimum posting levels of the units
7 have been repeatedly lowered, like you guys have already
8 heard. My officer back here, we work a ten-hour shift.
9 If he's a housing unit officer, half that shift he's on
10 the yard by himself for 380 inmates. That is not right.

11 Contracted workers, especially in the less
12 populated areas such as Apache, Globe, probably Safford,
13 Fort Grant, these work crews take precedence.

14 Our deputy warden shut down our work crews a
15 while back to staff our unit. The town has complained
16 to the legislature. The legislature went up above to
17 the director level, to the deputy director level, they
18 came back down, "Get those crews out." That shouldn't
19 happen. The heck with the crews. Let's get the people
20 on the yard so that my officer back here isn't sitting
21 there by himself.

22 They talked about A-, B-, C- and D-level
23 staffing with the operations in progress at D-level. My
24 shift roster, I staff with seven people a night. If I
25 have eight people, I'm at C-level. Same thing on day

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1 shift, same thing on swing shift. We don't even have A-
2 and B-level slots on our shift rosters because we don't

3 have the people. If we have the extra people we write
4 them in, because we constantly operate at D-level. And
5 D-level in policy, DI-140 says you'll be locked down,
6 minimum activity. Why are we sending work crews out if
7 we're staffing at D-level?

8 Lock the unit down, send them to chow, do a
9 slow feed a house at a time, whatever it is you do, feed
10 them in the house, but don't send your crews out. Keep
11 your people in the yard.

12 A big thing in our area and some other units,
13 DI-140, housing unit inspections, they've become so
14 important, especially on day shift, they're posting two
15 officers out on the yard during day shift for those 380
16 inmates.

17 One of those officers, half his day he's
18 sitting at the front door of the chow hall checking in
19 inmates, or doing perimeters, so that half a day the
20 other officer is out by himself spending two and a half
21 hours in between meals doing DI-140 inspections.

22 Somebody said back here earlier the deputy
23 warden is worried about when they go out on the yard or
24 the rod, or whoever it may be, about the cigarette butt
25 on the ground, but you got rubber band radios. I think

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1 the word they said was "priorities."

2 The minimum physical fitness thing I kind of
3 agree on that. I'm into the National Guard and I got to

4 meet the same standards as any regular full-time
5 soldier. I see a lot of people go into COTA out of
6 shape, they pass by, a year later they're way back out
7 of shape.

8 My officer back here said, like we got people
9 on shift, if your life depended on it, they wouldn't
10 make it across the yard, they'd have a heart attack.
11 And that's bad. We need to do something to rectify
12 that.

13 With the pay that we're currently paying, I
14 don't believe that you can subject people to that
15 because I think they will tell you to hit the road and
16 get another job. But I think if you looked at that COTA
17 thing, I believe that in two to three years you could
18 have your base salary and everybody else's probably
19 \$10,000 a year higher than it is now. People will stay
20 for \$35,000 a year and do a physical fitness test.

21 That's pretty much all I've got.

22 MS. MORRISON: When you were talking a minute
23 ago, and kind of had a lot of things fast, I didn't
24 quite catch on. What were you saying about there was a
25 legislator that contacted the director? Can you go into

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1 a little bit more detail?

2 MR. NOFFZ: Okay. Our work crews were shut
3 down, like I said -- our deputy warden said, you know

4 what, I'm going to staff this yard. We're going by what
 5 the policy says, we're shutting down the crews. We have
 6 got crews that go into the Town of St. John's, into the
 7 Town of Springerville that work for Game and Fish. What
 8 other crews we got, Mike?

9 THE AUDIENCE: Game, Fish, ADOT, Parks and
 10 Rec.

11 MR. NOFFZ: We've got five to six crews that
 12 regularly go out, plus the EuroFresh Tomato group. She
 13 said she was going to stop the work crews. The
 14 officials have said of the town that ADOT, things like
 15 that -- they complained to the legislators, they went to
 16 the representatives and said hey, we got these contracts
 17 for these crews, where's our inmate labor. Basically
 18 where's our cheap labor for the town.

19 The legislatures went up to the executive
 20 level and said, hey, we've got these contracts, how come
 21 our towns aren't getting no workers. They called back
 22 down and said you know what, we got a contract, get the
 23 workers out the gate.

24 I'm glad we brought up the name of the crew,
 25 the EuroFresh Tomato crew. Guys get disciplinary

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1 violations, they go into disciplinary, the tickets are
 2 either dismissed, they're dropped, or they're down
 3 scaled because we got to keep C-levels going out the
 4 gate on these stupid crews.

5 If you've got a guy that's a disciplinary
6 problem and he keeps going into disciplinary, and he
7 keeps getting dropped and keeps getting washed because
8 they need to maintain C-levels. It's not right.

9 If the guy is a disciplinary problem, handle
10 it. Get him off the yard, send him to a higher custody
11 yard, whatever. Like I said, it's all searches, or
12 about how many hundreds of inmates per hour. Crews are
13 about how many C-levels we can get out. And there's
14 priorities that are messed up here. I don't know if
15 that answered your question.

16 MS. MORRISON: It did. Thank you.

17 MR. GUENTHER: Thank you for coming all the
18 way down. We appreciate it. We need more snow out of
19 this next storm, though, see what you can do.

20 MR. NOFFZ: Yes, we do. We didn't see any on
21 the way with the exception of this side of Globe.

22 THE AUDIENCE: Bring up about the crews. You
23 have one boss watching three crews, too.

24 MR. NOFFZ: That I don't know about because I
25 have been on graves for the last year.

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1 THE AUDIENCE: No, they had -- at one time
2 you had a St. John's crew boss -- if ADOT was over in
3 St. John's they would watch the ADOT crew, and then
4 depending on where the other crews were at, sometimes it

5 would be one officer would be driving --

6 MR. NOFFZ: Because a civilian contractor
7 comes and picks up the inmates and takes them to the job
8 site.

9 THE AUDIENCE: You have one officer driving
10 20 miles to check on two different crews, and you're
11 supposed to -- they said an hourly check, and that's
12 what happened at EuroFresh. We had a guy, the officer
13 was in compliance doing this check, and it's 20 acres
14 under glass, if you can imagine that, 20 acres under
15 glass. You have, I don't remember, 180 rows of
16 tomatoes. You got 20 inmates on those rows, you have to
17 physically walk down -- I mean walk to the end of the
18 rows.

19 While the officer checked on one row, he
20 started going back down and it's, you know, 30, 40
21 minutes before he gets back down to the other one, well,
22 this one inmate slipped out of a window, got in a car,
23 took off, and they found him down here in Phoenix in an
24 attic. They should have let him cook, but they didn't.

25 But anyway, then they wanted to discipline

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1 the officer because he didn't watch the inmate. He
2 wasn't doing his job, but by policy he was doing
3 everything, but they still wanted to burn the officer,
4 and it's not right.

5 MR. NOFFZ: That tomato -- I don't know how
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6 the tomato crews are at the other units, but I know
7 ours, in Northern Arizona when we do get moisture, when
8 we do get snow the roads are hazardous. Apache County
9 is a poorer county, the roads -- the asphalt is paper
10 thin. So all it's got to do is give you a dusting of
11 snow on the ground and you got an icy road that doesn't
12 melt because there's no heat there.

13 And that's basically a crew that I have been
14 told as a graveyard shift supervisor that crew goes out
15 on my shift come high or hell water, that crew goes out,
16 and it goes out with a set number of inmates. It does
17 not go out short for any reason. It goes out every
18 morning regardless.

19 So it's kind of like a heaven help me if I
20 tell the guy, you know what, I feel the roads are
21 unsafe, don't go, because then I'm going to get it up
22 from above. These work crews, I think, cause a lot of
23 problems. They take staff away from the yards that need
24 them.

25 MR. GUENTHER: We have been to hell, now we

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1 need the high water. So see what you can do.

2 MR. NOFFZ: We do.

3 MR. BURKE: Thank you, Sergeant. We
4 appreciate it very much. Thanks for coming.

5 MARK DECKER

6 MR. DECKER: Thank you for coming today. My
7 name is Mark Decker. I have got almost ten and a half
8 years in the Department. I have worked at Perryville
9 and at Alhambra here.

10 MR. BURKE: D-e-c-k-e-r?

11 MR. DECKER: D-e-c-k-e-r. I will be as quick
12 as I can because I know we all want to get out of here,
13 it's almost 5:00. Most of what I have to talk about is
14 pay. As far as I'm concerned if the Department can have
15 the money that we need, our director can fix our
16 problems, we can fix it ourselves. I believe that.
17 Okay. But you got to have the funding. That's all
18 there is to it.

19 I believe what happened out at Lewis is
20 mostly because of inexperience. You have inexperience
21 because of high turnover. Why do you have high
22 turnover? Because you can't live on this money. That's
23 all there is to it.

24 County is paying \$15 an hour right out of the
25 gate right now. I'm making \$15.49 an hour after

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1 ten-and-a-half years. That's embarrassing. I think
2 that kind of says it all, but it's amazing to me.

3 Shift differentials. Nurses get it. We
4 don't. C.O.'s don't get it. I don't know why. My
5 health is just as important as theirs. They always say,
6 well, we have a problem getting nurses. We have trouble

7 getting officers, too.

8 There's a particular officer -- or excuse
9 me -- a psych nurse that I work with from time to time
10 who made \$12,000 in one month in overtime. A psych
11 nurse. He's a pretty straight-up guy, I don't think
12 he's lying to me about that.

13 When I work it, it's either comp or 50/50. I
14 understand the reason behind that. It's funding. But
15 why do they get it and I don't? I mean, without the
16 officers there, there is no Department of Corrections.
17 There's all there is to it. Everybody else is support
18 staff, and I'm not saying they're not important, because
19 they're just as important, but I would, you know --

20 I work with an officer whose got 15 years in
21 and I asked him, because tax season came around, what he
22 grossed. In 15 years he grossed \$30,000. That's
23 amazing. That's just crazy. I know some people that
24 are city bus drivers and the city garage collectors that
25 make a lot more money than that, and I'm not saying

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1 those aren't important jobs. But for Christ sake, I
2 don't think they're doing what I'm doing, I don't think
3 they're putting up with what I'm putting up with.

4 I think the state is giving a loud and clear
5 message what they think of us. Do you know what I'm
6 saying? I got my first test this weekend with Phoenix

7 PD because I've had it up to here. And you know what, I
8 can make it. I spent four years in the Marine Corps,
9 you know.

10 I would like to stay here, I really would.
11 I've invested a lot of time. A lot of time. But I've
12 been wishing, and hoping, and praying and it just never
13 happens. Officers get killed. Brent Lumley, I knew
14 him. We could have had two officers up there get
15 killed. I mean, what's it going to take?

16 What are we doing building ballparks and now
17 we're thinking about a light rail? What are we doing
18 with that state money against the voters wishes? That's
19 like going out and buying a BMW and the kids need shoes
20 on their feet. You know what I'm saying?

21 And please don't be offended, I know I'm
22 really coming at you. It's tough. I'm really glad to
23 be able to have an opportunity to speak with you, and I
24 hope that something really happens.

25 I believe the statistic is that 70 percent of

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1 our officers have 18 months or less. That's where your
2 money is going. That's where the turnover rate is.
3 Okay.

4 And about this physical fitness and all that,
5 it's right, because they're just pushing the officers
6 through, but it all boils down to money. I hate to say
7 it, but it's true. You know, I mean we got captains

8 with 15 years in and they're making maybe what a first
9 year PD guy is making. I mean, we got a tough job, too.
10 And for some reason the state doesn't think it's
11 important, and I hope it comes around.

12 MR. GUENTHER: Mark, maybe you can help us.
13 The challenge right now, as I see it from all sides,
14 having been on both sides, except the inmate side yet so
15 far, and the challenge is how do you make corrections --
16 Department of Corrections a politically charged or a
17 politically sexy issue? How do you do that?

18 MR. DECKER: I know there's a lot of
19 questions that need to be answered, and it's going to be
20 tough. But I keep going back to the same thing, but
21 here's the deal. If you put the pay here (indicating)
22 then we can be very selective about who comes in through
23 the front doors of the prison, just like the police are
24 very selective. Okay. That's all there is to it.

25 I mean, I heard one time, "What's the answer

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1 to 99 out of 100 questions in the United States?
2 Money." I mean, I hate to keep saying that, but I know
3 I'm not going to get rich doing this job, but you can't
4 live on this. That's all there is to it.

5 MR. GUENTHER: And the only time anybody ever
6 pays attention to the issue or to your situation is when
7 something crashes.

8 MR. DECKER: Yes, sir.

9 MR. GUENTHER: And that's a heck of a way to
10 run a farm.

11 MR. DECKER: So I'm repeating myself, that's
12 really the only way we can fix this. If you give us the
13 money we need, we can hire our own standards, or get
14 help from whoever else we need, but that's the bottom
15 line. I really think that's the main issue with
16 everything. Look at our turnover rate, look at the
17 statistic I just gave you. Again, I'm pushing time. I
18 really want to thank you. I mean, if you have any
19 questions for me, or --

20 MR. GUENTHER: I wish you would stay around,
21 but I understand your plight and frustration.

22 MR. DECKER: It's a long process, sometimes
23 it takes up to a year. Maybe something will happen in a
24 year, but I think our director needs a chance. I think
25 if she has the money to work with she can turn it

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1 around. She's an experienced woman. We can do this,
2 but we need the money. Thank you.

3 MR. BURKE: Thank you. We're going -- if you
4 can just be done in a minute, we got to get going.

5 OFFICER NADEAU

6 MR. NADEAU: I will be very brief. My name
7 is Officer Nadeau. N-a-d-e-a-u. One of the main things
8 besides the money, the tower incident was handled very

9 good because it was handled by professionals with lots
10 of training.

11 We got to take that training and put that on
12 the front line officer. That's where the training needs
13 to go. Training the negotiators is fine but training
14 the people on the front line to handle the inmates,
15 that's where the money has to go, that's where the
16 training has to go.

17 In order for that you have to have staff. We
18 are short on staff, that's why we can't be trained. I
19 have been bugging my sergeant for six months to train on
20 two different posts, and every time it comes up, we're
21 understaffed, we can't afford to lose you for training.

22 I heard main control was mentioned not too
23 long ago. It requires 40 hours of training to be able
24 to post main control. I had two hours of training and
25 they put me on main control.

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1 I've had other officers go on main control
2 with absolutely no training, and they put them on main
3 control because they're understaffed and they had to do
4 it.

5 Also, we are more scrutinized than the police
6 department. We are called correction officers, but if
7 we try to correct an inmate for misbehavior we get
8 threatened with investigation and pay censor, or even

9 worse.

10 Now, a policeman on the street has got all
11 kind of weapons at his disposal to protect himself. We
12 do not.

13 Probably the last thing -- I'll just be real
14 brief -- is the physical training. In order to go
15 through COTA you're supposed to pass certain physical
16 requirements, after that it's dropped.

17 Now, I think that should be maintained, and
18 if an officer decides he does not want to maintain that
19 physical fitness, that we could find posts where that is
20 not required, maybe put them in main control or control
21 room, or even just perimeter control. But in order for
22 an officer to be in -- to take care of inmates, they
23 call it inmate management, we are supposed to be in as
24 good of shape as them or better.

25 Most inmates are street fighters, and even a

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1 marshal arts expert would have a hard time keeping up
2 with a good street fighter. And that's just going home
3 safely tonight, that's the whole idea of the -- I tried
4 to be as brief as I could.

5 MR. BURKE: Very good. That's very helpful.

6 MR. GUENTHER: Thank you very much for taking
7 time.

8 OFFICER SIMMONS

9 MR. SIMMONS: I'm Officer Simmons. I work at
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10 Lewis Facility. I work on the Buckley Unit. And I will
11 be real brief here. One thing that I haven't heard
12 anyone say is firm, fair, and consistent. That means
13 for us as well as the inmates. A lot of times you will
14 go into a situation and ask a question and no one knows
15 the answer. How are they going to supervise you if they
16 don't know the answer to the questions that the officers
17 have.

18 Another thing is, too, no matter how -- I
19 have been doing this, by the way, since 1980. I haven't
20 worked in this city for over three years. Lewis was
21 brand new when I got there about three years ago.
22 Anyway, there should be guidelines for each level. I
23 know there is, but they're not followed. They need a
24 handbook. As every officer comes in he needs to read
25 this book instead of having some on-the-job training,

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1 because usually when you're trying to train someone you
2 have so many things going on you don't have time to
3 explain what you're doing to these new officers coming
4 in.

5 There should be like a Bible, for lack of a
6 better word, everywhere that you go you know exactly
7 what's expected of you. I have never seen that. That's
8 about all I have to say.

9 MR. GUENTHER: Thank you for taking the time.

10 If you have anything else you need to add, any
11 testimony, or anybody that did not get to testify,
12 please use the e-mail. Okay?

13 THE AUDIENCE: Sir, is there a physical
14 address for those that don't have access to e-mail?

15 MR. GUENTHER: Yeah, I'll give you the
16 physical address.

17 THE AUDIENCE: I appreciate it.

18 MR. BURKE: Okay. We're done for today.

19 (Whereupon, the proceedings adjourned at 5:10
20 p.m.)
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